Subject Release Number

Citation and Order Writing Handbook for Coal Mines and Metal and Nonmetal Mines

PH02-I-7(2)

Explanation of Material Transmitted.

This handbook provides guidance to MSHA compliance personnel when issuing or reviewing citations and orders. It is intended to assist in achieving enforcement consistency.

Action Required

Revision

Audience

All Compliance Personnel in CMSH and MNMSH

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CITATION AND ORDER WRITING HANDBOOK FOR COAL MINES AND METAL AND NONMETAL MINES This handbook sets forth procedures to be followed in the writing and issuing of citations and orders involving health and safety violations at metal and nonmetal or coal mines. Changes to this handbook must be authorized by the Administrator for Coal Mine Safety and Health and the Administrator for Metal and Nonmetal Mine Safety and Health. Previously issued instructions relating to this subject are superseded by this handbook. However, compliance related instructions contained in the MSHA Program Policy Manual are not superseded by this handbook.

Administrator for Coal

Administrator for Metal and Nonmetal

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DISCLAIMER

The citations and orders shown in the Health and Safety Appendices are examples for illustrative purposes only. Actual citations and orders issued for violations of the Mine Act or a mandatory health or safety standard must depict gravity and negligence determinations reflective of circumstances present at the time of issuance.

CHAPTER 1 – INTRODUCTION

I. AUTHORITY

The Federal Mine Safety and Health Act of 1977 (Mine Act), Public Law 91-173, as amended by Public Law 95-164, directs an Authorized Representative (AR) of the Secretary of Labor to issue citations and orders when he or she believes that a violation of the Mine Act or any mandatory health or safety standard, rule, order, or regulation promulgated pursuant to the Mine Act has occurred. The Mine Act also authorizes an AR to issue an order of withdrawal when an imminent danger condition exists. Sections 103, 104, and 107 of the Mine Act describe in detail the authority for issuing these citations and orders.

II. PURPOSE

This handbook is intended to provide guidance for all enforcement personnel in:

- issuing, extending, modifying, vacating, and terminating citations and orders;
- describing the conditions or practices constituting a violation or imminent danger;
- writing clear justification for extensions and modifications of citations and orders;
- adequately describing the area or equipment affected by citations or orders; and
- adequately evaluating the degree of gravity and negligence of the violation.

This handbook has been combined to reflect the uniformity of citation and order writing for both metal/nonmetal and coal. Any procedures, scenarios, and examples in this handbook can be used by all enforcement personnel, except for safeguards that are only issued in coal.

III. RESPONSIBILITY

If, upon inspection or investigation, the Secretary or an AR believes that a mine operator as defined by the Mine Act has committed a violation of a mandatory standard, he or she must issue a citation or order to the mine operator. Each citation or order must be in writing and shall describe with particularity the nature of the violation, including reference to the provision of the Mine Act, standard, rule, regulation, or order alleged to have been violated. In addition, each citation must fix a reasonable time for abatement of the violation.

IV. BACKGROUND

Mine Safety and Health Administration (MSHA) personnel must constantly strive for accuracy in writing citations and orders. A significant percentage of citations and orders have been overturned during the legal process for reasons such as:

- failure to cite the appropriate standard;
- failure to establish the existence of an imminent danger;
- assumptions or suppositions not based on facts;
- failure to order a withdrawal of miners or prohibit continued mining activities;
- failure to specifically describe the area of danger or area affected;
- issuance of a 107(a) order for control purposes when no imminent danger exists;
- illegible or confusing writing; and
- failure to properly evaluate the degree of gravity, exposure to the hazard, or the mine operator's negligence.

The description of a violation must be written in such a manner that all parties know the true nature of the situation. The descriptive narrative must include information that clearly establishes a violation and describes with particularity the nature of the violation. The proposed civil penalty prepared by the Office of Assessments is determined, in part, by information contained in the citation or order.

CHAPTER 2 - SELECTED PROVISIONS OF THE MINE ACT

I. INSPECTIONS AND INVESTIGATIONS

A. Section 103(a)

MSHA must conduct frequent inspections and investigations at coal and other mines each year for the purpose of: obtaining, utilizing, and disseminating information relating to health and safety conditions, the causes of accidents, and the causes of diseases and physical impairments originating in such mines; gathering information with respect to mandatory health and safety standards; determining whether an imminent danger exists; and determining whether mine operators have complied with mandatory health and safety standards, citations, orders, and decisions issued under the Mine Act. Additionally, MSHA must develop guidelines for additional inspections of mines.

B. Section 103(j)

Consult District Manager and/or Headquarters before issuing. In the event of a mine accident where rescue and recovery work is necessary, MSHA is authorized to take any action deemed appropriate to protect lives, including supervising and directing any mine rescue and recovery effort. The mine operator is required to take measures to prevent destruction of evidence that could assist accident investigators.

C. Section 103(k)

In the event of a mine accident MSHA may issue orders deemed appropriate to ensure the safety of any person in the mine. The operator of that mine shall obtain the approval of the MSHA representative, in consultation with state mining agency representatives (if appropriate), regarding any plan to recover any person in the mine, to recover the mine, or to return affected mining areas to normal.

II. CITATIONS, ORDERS AND NOTICES

A. Section 104(a)

If, upon inspection or investigation, the Secretary or an inspector believes that a mine operator subject to the Mine Act has violated this Act, or any mandatory health or safety standard, rule, order, or regulation promulgated pursuant to this Act, he or she shall, with reasonable promptness, issue a citation to the mine operator. Each citation shall be in writing and shall describe with particularity the nature of the violation, including a reference to the provision of the Act, standard, rule, regulation, or order alleged to have been violated. In addition, the citation shall fix a reasonable time for the abatement of the violation. The requirement for the issuance of a citation with reasonable promptness shall not be a jurisdictional prerequisite to the enforcement of any provision of this Act.

B. Section 104(b)

When an inspector finds that a violation previously cited has not been abated and that the period of time for abatement should not be further extended, he or she must issue a withdrawal order for the cited equipment or that part of the mine affected by the violation. The operator is required by such an order to remove all persons from the area affected, except those persons necessary to correct the violation as referenced in Section 104(c), until the violation is abated.

C. Section 104(d)(1) Citations

Upon MSHA's finding of a violation which could significantly and substantially contribute to the cause and effect of a safety or health hazard and is due to the mine operator's unwarrantable failure to comply, such a finding shall be included in any citation issued to the operator.

D. Sections 104(d)(1) and 104(d)(2) Orders

If another violation of a mandatory standard, whether significant and substantial or not and which is caused by the mine operator's unwarrantable failure, is found during the same or any subsequent inspection within 90 days of issuance of the 104(d)(1) citation, MSHA shall issue a withdrawal order. If an unwarrantable failure violation is observed during any subsequent inspection made after a 104(d)(1) order has been issued, a 104(d)(2) order shall be issued. These two sections provide for the issuance of withdrawal orders that are caused by the mine operator's unwarrantable failure to comply with mandatory safety and health standards.

E. Section 104(e)(1)

If MSHA has established that a mine operator has the same pattern of violations by receiving repeat or multiple significant and substantial violations of mandatory MSHA standards, the operator shall be issued a notice that such a pattern exists. Provisions are also made in this section for withdrawing all persons from the affected area if MSHA finds another significant and substantial violation during an inspection within 90 days of issuance of the notice of pattern of violations. The 104(e) withdrawal order remains in effect until MSHA finds the violation has been abated.

F. Section 104(e)(2)

Where miners have been withdrawn under Section 104(e)(1), a further withdrawal order shall be issued upon MSHA's finding of a significant and substantial violation during a subsequent inspection.

G. Section 104(e)(3)

The pattern of violations that resulted in the issuance of a notice shall be terminated if an MSHA inspection of the entire mine finds no significant and substantial violations of mandatory standards. However, a mine operator can reestablish a pattern of violation status as a result of subsequent significant and substantial violations.

H. Section 104(g)(1)

If an inspector finds that any miner has not received the mandatory health and safety training required under Section 115 of the Mine Act, the miner shall be ordered withdrawn from the mine until he or she has completed the required training.

III. PROCEDURES TO COUNTERACT DANGEROUS CONDITIONS

A. Section 107(a)

If an inspector finds an imminent danger condition or practice existing at a mine, he or she shall issue a 107(a) order withdrawing persons from the affected area or equipment from service. No one may enter the area, except those persons necessary to correct the conditions as referenced in Section 104(c), until MSHA determines that conditions and practices which caused the imminent danger no longer exist.

B. Section 107(b)

If an inspector finds that conditions exist at a mine which have not yet resulted in an imminent danger, that such conditions cannot be effectively abated using existing technology, and that an imminent danger cannot be ruled out if mining activities were to proceed, the inspector shall issue a 107(b) notice to the operator informing him or her of such conditions. A copy of this notice shall be filed with the Secretary of Labor and with the representative(s) of the miners. This section also provides for MSHA to issue notices, conduct investigations, hold public hearings, and make findings of fact (Consult District Manager and/or Headquarters before issuing).

IV. MINERS FOUND SMOKING OR CARRYING SMOKING MATERIALS IN PROHIBITED AREAS -- SECTION 110(g)

Any miner who willfully violates the mandatory safety standards relating to smoking or the carrying of smoking materials, matches, or lighters shall be subject to a civil penalty assessed by the Commission of not more than \$275 for each occurrence of such violation.

CHAPTER 3 - VIOLATION DESCRIPTION AND ISSUING FORM

I. FACTUAL INFORMATION

It is important that factual information, not conclusions, be included in each citation or order. Statements such as "additional roof support is needed" or "adequate fire protection was not provided" may be true but these descriptions do not clearly describe a violation. The former does not describe the condition of the roof or the type and amount of roof supports installed, nor identify a hazard. The latter does not indicate the nature of the fire hazard nor the degree to which protection is not provided.

The citation or order must contain facts sufficient to establish a violation of the standards under the Mine Act and any special circumstances related to the violation, such as "significant and substantial" and "unwarrantable failure" findings.

II. VIOLATION DESCRIPTION

Essential elements to be considered in a violation description are:

- A. The conditions and practices causing and constituting the violation of a specific regulation or section of the Mine Act. They must be accurately identified and described.
- B. A determination of what caused the violation by clearly describing conditions and practices. This determination is particularly significant when citing violations in conjunction with imminent danger orders and Section 104(d) citations and orders.
- C. The location or equipment where the violation or hazard exists. This element <u>must</u> be specifically identified for several reasons:
 - 1. It serves as notification to the mine operator for abatement purposes;
 - 2. It informs the miners and miners' representative(s) of the exact location of the hazard; and
 - 3. It serves as clarification for inspectors on abatement visits.
- D. Information concerning gravity and negligence. This information must be provided so an accurate determination of the proposed civil penalty can be made.
- E. Information concerning the hazard, exposure, or lack of exposure to miners. Some mandatory standards require that exposure be shown to support a citation or order.
- F. Facts relevant to the mine operator's knowledge of the violative condition or practice.

III. CITATION, CONTINUATION, SUBSEQUENT ACTION, AND ORDER FORMS

- A. MSHA Form 7000-3 shall be used for issuing citations or orders.
- B. MSHA Form 7000-3a shall be used for continuations and subsequent actions for citations and orders.
- C. Each set of forms has an original and three copies which shall be distributed as follows:

Original - district mine file

Second page - mine operator's use
Third page - miners' representative, if applicable

Fourth page - MSHA inspector

- D. Computer generated citations/orders require an original signature for each printed copy.
- E. Distribution of the computer copies will be the same as for the hand written copies.

CHAPTER 4 - CITATIONS AND ORDERS

These procedures shall be followed when completing Mine Citation/Order Form 7000-3 unless otherwise specified. The items referenced below correspond to the appropriate sections on Form 7000-3.

I. COMPLETING MINE CITATION/ORDER FORMS

A. Section I - Violation Data

- 1. Date Enter the issue date by using the following format for the month, day, and year 01/07/2004.
- 2. Time Enter the time of the violation with a four-digit number based on a 24 hour clock (military time, e. g., 22:30)
- 3. Citation/Order Number The seven-digit number preprinted on the 7000-3 Form or generated by the computer.
- 4. Served To Enter the first and last name of the operator (or operator's agent) and title to whom the citation or order is served.
- 5. Operator Enter the official business name of the mining company as shown on the MSHA Legal Identity Report Form 2000-7 in effect at the time the violation occurred. Enter the name of the independent contractor if a contractor is being cited.
- 6. Mine Enter the mine name as shown on the Legal Identity Report Form in effect at the time the violation occurred.
- 7. Mine ID Enter the seven-digit MSHA mine identification (ID) number. If applicable, also enter the contractor's three or four digit MSHA ID number.
- 8. Condition or Practice Provide a detailed description of the condition(s) or practice(s) which causes and constitutes a violation or an imminent danger. If more space is needed, check the "Continuation" block in the lower right hand corner of Item 8 and use a Mine Citation/Order Continuation Form 7000-3a.
- 8a. Written Notice This block is for coal inspectors to use when a violation is cited during any inspection conducted as a result of a written complaint. Coal inspectors should not use this block for any violation other than those issued as a result of the complaint. This does not alter the type of inspection that is ongoing.

9. Violation

- A. Health, Safety, and Other These blocks are for coal inspectors to use to mark whether the cited hazard relates to health, safety, or other (administrative). For violations of 30 CFR 75.370, coal inspectors may mark both the health and safety blocks.
- B. Section of Act Enter the applicable section [e.g., 103(a), 104(b)] here if a section of the Mine Act has been violated, otherwise leave blank.
- C. Part/Section of Title 30 CFR Identify the Part and Section of Title 30 CFR violated including the subparagraphs of the section violated.

Exception: <u>Do not</u> complete Item 9C if a 107(a) imminent danger order is cited without a violation of a mandatory health or safety standard. Refer to Section XVI in this chapter for further guidance concerning 107(a) imminent danger orders.

B. Section II - Inspector's Evaluation

10. Gravity

- A. Injury or Illness (has)(is) Check the appropriate block based on the facts available.
- B. Injury or Illness Could Reasonably Be Expected To Be Check the appropriate box based on the facts available.
- C. Significant and Substantial Check the appropriate box based on the evaluations made in 10A and 10B. Refer to the "S&S" criteria in Section VI in this chapter for further guidance. Violations of the Mine Act, without an accompanying mandatory standard, shall always be designated as "non significant and substantial." For these violations, Section II, item 10A shall be evaluated as "No Likelihood", item 10B will be marked "No Lost Workdays", and 10C shall be checked "No."
- D. Number of Persons Affected Enter the number of persons who were actually injured or became ill as a result of the hazard caused by the violation or the number of persons who could or would be affected if the anticipated event occurred.
- 11. Negligence Enter the degree of negligence by checking one of the appropriate boxes. Refer to the "negligence" criteria in Section IX in this chapter for guidance (Section 10 "Gravity" and Section 11 "Negligence" are not to be completed for 103(j), 103(k), 107(a) and 104(b) orders.

- 12. Type of Action Identify the Section of the Mine Act under which action is being taken [e.g., 104(a), 104(d)(1)].
- 13. Type of Issuance The "Safeguard" block is for Coal use only. Check the "Citation," or "Order," or "Safeguard" block for the appropriate type of issuance.
- 14. Initial Action Check "A" or "B" for the type of initial issuance, if appropriate, that subsequently resulted in this action. The "Safeguard" block is for Coal use only.
 - E. Citation/Order Number Enter the seven-digit preprinted control number from the initial action.
 - F. Dated Enter the date of the initial action.
- 15. Area or Equipment This pertains only to orders of withdrawal [i.e., 104(b), 104(d), 104(e), 104(g), 107(a), 103(j) and 103(k)] and must indicate the area from which employees shall be withdrawn until the dangerous conditions and causes of those conditions have been corrected. Equipment cited must be positively identified by manufacturer, model, serial number (if known), color, and name, etc. if it is ordered removed from service.
 - **Note:** The phrase "No Area Affected" should be written in this space if this is a technical order of withdrawal [e.g., 104(b) order for failure to complete Part 50 reports].
- 16. Termination Due Date and Time (A and B) Enter the date and time the mine operator is required to have the violation corrected. These blocks are left blank for orders of withdrawal.

C. Section III - Termination Action

- 17. Action to Terminate Describe in detail the specific action(s) taken to correct the cited condition(s) or practice(s) which justifies termination. Do not write terms like "The condition was corrected."
- 18. Terminated Date and Time (A and B) Enter the date and time the termination was issued.

D. Section IV - Automated System Data

19. Type of Inspection (Activity Code) - Enter the appropriate enforcement activity code.

- 20. Event Number Enter the preprinted event number from the Inspection/Investigation Data Summary Form 4000-40 for M/NM and from the Mine Activity Data Form 2000-22 for Coal.
- 21. Primary or Mill This block is for metal and nonmetal inspectors. They should enter the letter "P" if the violation occurred in the production or primary mining phase of the operation. Generally, an entry of "P" includes activities and/or equipment from the mining site up to, but not including, milling processes. Enter the letter "M" if the violation occurred in the milling phase of the operation.

Exception: Violations cited at free standing mills with a separate Mine ID number should have "P" entered in this space.

- 22. Signature The signature of the inspector issuing the citation or order must be entered in this block.
- 23. AR Number Enter the AR number of the inspector issuing the citation or order.

II. SECTION 103(a) - CITATIONS FOR DENIAL OF ENTRY

A. Denial of Entry - Established MSHA Mine ID Number

When a mine operator or his or her agent refuses to allow an inspector entry to an active mining operation having an MSHA mine ID number, the inspector must issue a Section 104(a) citation citing Section 103(a) of the Mine Act and immediately contact his or her supervisor. The inspector must either hand deliver or mail the citation to the mine operator certified mail, return receipt requested.

B. Denial of Entry - No Established MSHA Mine ID Number

The inspector must notify his or her supervisor to determine whether or not the mining operation falls under the jurisdiction of the Mine Act. If it is subsequently determined that the operator is engaged in mining or milling activities and if entry is denied to a mine that does not have an MSHA mine ID number, a mine ID number should be obtained based on the information that has been acquired.

After the mine ID number has been obtained, the field office supervisor and inspector should return to the mine, or make arrangements to meet with the mine operator, and request access under the provisions of the Mine Act.

C. Other Forms of Denial of Entry

Denial of right of entry procedures also apply when inspectors have been granted entry but are not allowed to inspect or continue an inspection or investigation. These procedures apply to any type of interference whether it be delay, harassment, or personal assault.

In all such cases, except personal threats or assault, the inspector should try to communicate with the mine operator, explaining the entry and inspection rights of MSHA under Section 103(a) of the Mine Act.

MSHA policy requires that an inspector leave the scene where an apparent violation of Section 111 of Title 18 of the United States Code is about to occur. To avoid a confrontation, inform the person(s) involved that an attack on an MSHA inspector is a Federal crime, and that they may be subject to arrest by the FBI. If the inspector believes that he/she is subject to physical harm or assault, he/she should leave the property immediately and promptly notify his/her supervisor.

D. 104(b) Orders - Denial of Entry

A Section 104(b) order of withdrawal must be issued if the operator still refuses entry after a Section 104(a) citation has been issued. Injunctive proceedings may be initiated by the District Manager if the operator does not comply with the order. Section XIX in this chapter details procedures on issuing 104(a) citations if the operator works in the face of an order of withdrawal.

Note: The inspector must contact the field office supervisor or the District Office as soon as possible prior to issuing citations of this type.

E. Paperwork for Denial of Entry

- 1. On a Citation, fill out the other blocks as you normally would and then:
 - a. After the violation description has been entered in Section I, item 8, the following sentence shall be added: The condition has not been designated as "significant and substantial" because the conduct violated a provision of the Mine Act rather than a mandatory safety or health standard.
 - b. Enter "103(a)" in Item 9B. Leave Item 9C blank since a standard is not violated.
 - b. Complete Items 10A through 10D, Item 11, and enter "104(a)" in Item 12.

Note: Item 10C must be marked "no."

- c. Check the "Citation" block in Item 13 and leave Item 15 "Area or Equipment" blank.
- d. In Item 16 enter the "Termination Due Date and Time." Terminate the citation if entry is permitted.

- 2. On an Order, fill out the other blocks as you normally would and then:
 - a. Enter "103(a)" in Item 9B and leave Item 9C blank.
 - b. Do not complete Items 10A through 10D and Item 11. In Item 12 enter "104(b)" and check the "Order" block in Item 13.
 - c. In Item 14 check the "Citation" block and enter the number of the denial of entry citation and the date it was issued.
 - d. In Item 15 enter "No Area Affected" and leave Item 16 blank. Terminate the order if entry is permitted.
- 3. In Item 19 enter the appropriate "Type of Inspection" MIS code for the inspection type that was intended if the inspection occurs.

III. SECTION 103(j) AND 103(k) ORDERS

After a mine accident as defined in 30 CFR Part 50.2. has occurred, an AR may assume the authority to take whatever action is necessary to protect the health, safety, and life of any person under Section 103(k).

A 103(j) or 103(k) order **should not** be solely issued to preserve accident evidence since the mine operator is required to take this action under 30 CFR Part 50.12.

If the operator does not preserve accident evidence, it is appropriate to issue a 104(a) citation citing Part 50.12. This 104(a) citation should not be issued unless pertinent accident evidence has been removed, changed or destroyed.

DO NOT ISSUE A 103(j) ORDER UNTIL CONSULTATION WITH THE DISTRICT MANAGER AND/OR HEADQUARTERS.

A. Accident and Rescue/Recovery Procedures

The inspector will generally use Section 103(k) to protect the safety of any person in the mine when a mine condition exists as a result of an accident that threatens the safety of miners. The 103(k) order does not preclude the issuance of a Section 107(a) order if an imminent danger situation is found. It is imperative that discretion and good judgment be exercised by the inspector when using the broad authority provided by the Mine Act.

In instances where an accident has resulted in the death or serious injury to a miner, and the inspector believes that the hazardous condition(s) or practice(s) causing that accident is likely to exist elsewhere at the mine, the Section 103(k) order shall include all such areas of the mine. In some instances it will be obvious that the conditions are

peculiar to the accident site, and, therefore, the Section 103(k) order would not apply to areas other than the accident site.

The 103(k) order should remain in effect until a systematic evaluation of the conditions and safety practices is conducted and a determination is made that hazards similar to those which caused or contributed to the accident have been eliminated. The evaluation can be made prior to the accident investigation or concurrent with it. After this evaluation and determination has been made, the Section 103(k) order may be modified to permit an area of the mine to resume operations, or terminated, provided that such action will not pose a hazard to the miners.

B. Differences Between Section 103(j), 103(k) and Section 107(a) Orders

Section 107(a) orders contain an exception to the requirement to withdraw persons from the affected area(s) under Section 104(c).

Section 104(c) states that certain persons are not required to be withdrawn or prohibited from entering any mine area. This refers to persons who, in the judgment of the mine operator or the inspector, are necessary to eliminate the conditions described in the order.

Sections 103(j) and 103(k) contain no exceptions; if the inspector believes it is necessary to protect the life or safety of any person, even those persons mentioned in Section 104(c) may be prohibited from entry into a mine area. This action would be noted in the narrative of the 103(j) or 103(k) order.

The issuance of a Section 103(k) order does not preclude the issuance of a Section 107(a) order should an imminent danger situation be found. Additionally, a 103(k) order will not be used as a substitute for, or in place of, a 107(a) imminent danger order.

C. Paperwork for 103(j) and 103(k) Orders

1. Section I of Form 7000-3: fill out the other blocks as you normally would and then:

Item 8 - describe in detail what has occurred and what the mine operator is required to do.

Item 9 - leave blank.

2. Section II of Form 7000-3:

Items 10 and 11 - leave blank.

Item 12 - enter "103(j)" or "103(k)" whichever is applicable.

Item 13 - check the "Order" box.

Item 14 - leave blank.

Item 15 - provide a detailed description of the area or equipment affected.

Items 16, 17, and 18 - leave blank.

3. Section IV of Form 7000-3:

Item 19 - Enter appropriate activity code.

IV. SECTION 104(a) CITATIONS

This section is the primary tool for obtaining compliance with the Mine Act, mandatory health or safety standards, rules, orders, or regulations.

A Section 104(a) citation must establish:

- a violation of a standard, regulation, or section of the Mine Act;
- the degree of hazard that exists;
- the degree of exposure to the hazard; and
- the degree of negligence by the mine operator.

The time fixed for abatement of a violation shall be determined, whenever practical, after a discussion with the mine operator or the operator's agent.

V. GRAVITY CRITERIA

The inspector's evaluation of gravity relative to the citation or order requires a weighing of factors in three general areas:

- the likelihood of an occurrence of the injury or illness against which the standard is directed:
- the gravity of the injury or illness if it has occurred or were to occur; and
- the number of persons affected if the event or injury occurred or were to occur. The number of persons affected is the number of persons who would be expected to be injured if an accident or overexposure occurred as a result of the violation.

Note: Do not write "or more" or "1 or 2."

The degree of hazard and exposure documented will determine the significant and substantial (S&S) rating in Section II of the Mine Citation/Order Form.

VI. "S&S" CRITERIA

By checking "Yes" in Item 10C (Significant and Substantial or "S&S"), the inspector has indicated that based upon the particular facts surrounding the violation there exists a reasonable likelihood the hazard contributed to will result in an injury or illness of a reasonably serious nature.

Violations of the Mine Act, without an accompanying mandatory standard, shall always be designated as "non significant and substantial." For these violations, Section II, item 10A shall be evaluated as "No likelihood", item 10B will be marked "No Lost Workdays", and item 10C shall be checked "No." Further, these violations shall have the following sentence added to the body of the violation description in Section I, item 8: The condition has not been designated as "significant and substantial" because the conduct violated a provision of the Mine Act rather than a mandatory safety or heal;th standard.

In determining whether conditions created by a violation could significantly and substantially contribute to the cause and effect of a mine safety or health hazard, inspectors must determine:

- whether there is an underlying violation of a mandatory health or safety standard;
- whether there is a discrete safety or health hazard -- that is, a measure of danger to safety or health -- contributed to by the violation;
- whether there is a reasonable likelihood that the hazard contributed to will result in an injury or illness; and
- whether there is a reasonable likelihood that the injury or illness in question will be of a reasonably serious nature.

All of these determinations must be made before a violation can be designated as "significant and substantial."

The Federal Mine Safety and Health Review Commission has further determined that "...the relevant time frame for determining whether a reasonable likelihood of injury exists includes both the time that a violative condition existed prior to the citation and the time that it would have existed if normal mining operations had continued." The violation would be evaluated as "S&S" if miners were not in the area when the violation was observed, but they had been, would be, or could be if normal mining operations were to continue, and the other "S&S" criteria were met.

The Federal Mine Safety and Health Review Commission has also held that in evaluating the reasonable likelihood of a fire, ignition, or explosion, one must examine whether a "confluence of factors" is present based on the particular facts surrounding the violation.

The following three scenarios can apply to MNM or Coal standards:

Scenario: (Referencing 56/57.14107 or 77.400) Persons were working next to the stacking conveyor while it was in motion. They were reasonably likely to come in contact with the unguarded moving machine parts of the #2 self-cleaning tail pulley. (Reasonably Likely; Permanently Disabling; "S&S" - Yes)

Scenario: (Referencing 56/57.14107 or 77.400) A guard was not provided on the #2 self-cleaning tail pulley of the stacking conveyor. Persons did not work or travel in the area on any shift while the machinery was running. The conveyor was turned off and locked out when maintenance was performed. (Unlikely; Permanently Disabling; "S&S" - No)

Scenario: (Referencing 56/57.14107 or 77.400) A guard is not provided on the #4 self-cleaning tail pulley adjacent to the walkway. Persons are not in the area and the tail pulley is not in operation at this time. However, persons had been in the area and the equipment had been operating on the previous shift with the guard off. The tail pulley is not out of service, however, and will operate when night shift operations begin later today. Personnel travel on the walkway next to the energized tail pulley during the night shift. (Reasonably Likely; Permanently Disabling; "S&S" - Yes)

A statement that "the machinery is not operating at this time" or "persons are not in the area now" is not a sufficient reason for evaluating a violation as "non-S&S." In some instances, such a statement could indicate that there is not a violation.

Following are examples of incorrectly cited or improperly evaluated citations:

Scenario: (Referencing 56.14107) The #2 conveyor motor V-belt drive was not guarded and persons were not in the area at the time. (Unlikely; Permanently Disabling; "S&S" - No)

This evaluation is incorrect and is based on the reasoning that persons are not in the area at the time the violation was observed. There must be documented evidence, based on past, present, and continued normal mining operations, that persons had not or would not be in the area. The violation can properly be evaluated as "non-S&S" once that determination has been made.

This citation should be modified to include information relating to the lack of exposure to the hazard, based on past, present, or continued normal mining operations, to justify the "non-S&S" evaluation.

Citations and/or orders will be issued for all violations found on equipment or machinery unless the equipment or machinery is not operating and tagged out of service prior to being inspected by MSHA.

Scenario: A loader is observed parked and not operating at the time of inspection. It does not have the required seat belts installed. The inspector determines that the machine is used, when needed, as a spare and **is not** out of service. The inspector does not issue a citation for the lack of seat belts. The rationale used by the inspector is that the loader is not operating at the time he or she observed the violation.

Correct Action:

This reasoning is not correct - a violation was observed on a machine that could be started and used at any time subjecting miners to possible injury or death. A citation shall be issued for all violations of this type.

Certain conditions may require the citing of violations on out-of-service or damaged equipment or machinery. See Chapter 7, Section XII, in this handbook for a discussion on equipment removed from service.

Note: The investigation may determine that the accident was caused by defective machinery or equipment which was damaged, and thus rendered out of service, by the accident. Because an investigation might determine that violations existed on the machinery or equipment prior to being damaged, citations or orders (as appropriate) would be issued.

A violation must remain "S&S" if it is properly evaluated as "S&S" at the time it was observed. The mine operator or contractor might withdraw equipment, or personnel, or immediately proceed to correct the violation. However, **none** of these actions would alter the citation's "S&S" evaluation.

The violation **shall not** be evaluated as "S&S" when any of the following blocks "No Likelihood," "Unlikely," or "No Lost Workdays" are checked in Item 10 of the Mine Citation/Order Form.

The "Occurred" block can only be checked when an injury or illness actually occurs. Gravity evaluations, for violations where an injury or illness has not occurred, are based on the probability of the occurrence of the injury or illness and on the expected results if the injury or illness was to occur.

Evaluations of violations where an injury or illness occurs and the results are <u>less</u> than expected shall be based on the expected rather than the actual results.

Scenario: A miner is trapped in a bin for an hour, but emerges with minor injuries. Assuming a violation is observed that directly relates to the entrapment, it would at least be evaluated as "Reasonably Likely" and "Fatal" rather than "Occurred" and "No Lost Workdays."

Evaluations of violations where an event occurs and the results are **equal to** or **more** than expected shall be based on the actual, rather than the expected, results. These violations would be evaluated as "Occurred" along with the actual injury.

Scenario: A miner is hit in the head with a small rock and later dies as a result of the injury. Assuming a violation is observed that directly relates to the miner being injured, the violation would be marked "Occurred" and "Fatal."

VII. "NON-S&S" CRITERIA

When the inspector decides to cite the operator for a violation of a section of the Mine Act, or a violation of regulations at Part 40, 41, 43, 44, 45, or 50, the inspector will make a gravity determination as normal but the violation will be considered non-S&S.

Scenario: The mine operator did not notify the nearest District Office before starting operations of the approximate or actual date the mine operation would commence.

In this situation, the citation would be evaluated with "Unlikely" marked in Item 10A; "No Lost Workdays," in Item 10B; and the "No" box in Item 10C.

While recordkeeping violations do not meet significant and substantial criteria, there may be nonrecordkeeping violations that are also not significant and substantial. These violations are ones where there is no likelihood of injury, unlikely injury, or the injuries are not reasonably serious.

VIII. MODIFYING CITATIONS TO "NON-S&S"

An "S&S" citation may be reduced to "non-S&S" only if:

- the "S&S" determination was made in error;
- evidence is presented to the inspector or other MSHA officials justifying a modification to "non-S&S";
- the determination of "S&S" is modified on the recommendation of the Office of the Solicitor; or
- the determination of "S&S" is modified by an Administrative Law Judge.

A modification from "S&S" to "non-S&S" <u>must give the reason for modification</u>. A violation has to meet the minimum criteria of "Reasonably Likely" and "Lost Workdays" or "Restricted Duty" to be evaluated as "S&S." Therefore, to make the citation or order "non-S&S," at least one of these requirements must be reduced to a lower evaluation. The modification must also state that the "S&S" block in Item 10C is changed to "No."

IX. NEGLIGENCE CRITERIA

Negligence has been defined as the failure to exercise the degree of care demanded by the circumstances. Thus, the greater the danger that is known or is reasonably anticipated, the greater the degree of care required by the mine operator. The facts as documented must support the degree of negligence checked on the Mine Citation/Order Form.

Negligence for unwarrantable failure violations has been defined as aggravated conduct constituting more than ordinary negligence. See Section XIII of this chapter on 104(d) for more information on determining unwarrantable failure violations.

Degrees of negligence are defined in 30 CFR 100.3(d) as:

No Negligence The operator exercised diligence and could not have known of

the violative condition or practice.

Low Negligence The operator knew or had reason to know of the violative

condition or practice but there are considerable mitigating

circumstances.

Moderate Negligence The operator knew or had reason to know of the violative

condition or practice but there are mitigating circumstances.

High Negligence The operator knew or had reason to know of the violative

condition or practice and there are no mitigating circumstances.

Reckless Disregard The operator displayed conduct which exhibits the absence of

even the slightest degree of care.

X. MITIGATING CIRCUMSTANCES

Mitigating circumstances, as addressed in 30 CFR 100.3(d), may include but are not limited to "action(s) which an operator has taken to prevent, correct, or limit exposure to mine hazards." The mine operator or contractor might withdraw equipment, personnel and/or immediately proceed to correct the violation but **none** of those actions alters the negligence evaluation made by the inspector when the violation was cited.

XI. NOTICE TO PROVIDE SAFEGUARDS

Section 314(b) of the Mine Act is specific to coal only and is intended for use in regards to haulage and hoisting related hazards that are identified at a specific mine.

When preparing for an inspection, an inspector must review the safeguard summary sheet in the uniform mine file so that he/she knows what safeguards have been previously issued for the mine. The inspector should also be familiar with the requirements for each safeguard.

When an inspector identifies a hazard specific to the mine and similar to those already identified in 30 CFR, Subpart O, Sections 75.1403-2 through 75.1403-11, he/she will issue a notice to provide safeguards to the mine operator if one has not been previously issued. Refer to Appendix A, page 58.

In those cases where the provisions of a safeguard notice are found to be violated at a mine, a citation or order will be issued as appropriate. The safeguard originally issued will be referenced in the initial action block on the citation and order form (7000-3).

XII. SECTION 104(b) ORDERS

The inspector shall review the circumstances when the time fixed for a citation's abatement has expired. In determining whether to issue a Section 104(b) order, the inspector must determine whether there is a reasonable basis for extending the abatement date. If an extension of time is not justified and the cited condition or practice is not abated, the inspector must issue a Section 104(b) order of withdrawal. Upon abatement of the condition or practice cited in the original citation, the order can be terminated.

Chapter 6 in this handbook details the action to be taken if the mine operator files for a petition for modification or appeals the violation with the Federal Mine Safety and Health Review Commission.

A 104(b) order will not be issued when other orders of withdrawal are not complied with. See Section XIX in this chapter regarding mine operators who work in violation of an order of withdrawal.

A. Paperwork for Section 104(b) Orders

- 1. Section I of Form 7000-3: fill out the other blocks as you normally would and then:
 - Complete Item 9B with the appropriate section of the Mine Act if a Section of the Mine Act [e.g., Sections 103(j) or 103(k)] or Part 50 is violated.
 - If appropriate, complete Item 9C with the mandatory standard violated.
 - Do not complete Items 10A through D or Item 11.
 - **Do not** modify the initial citation to make the negligence or gravity higher than was marked on the initial citation.
- 2. Enter 104(b) in Item 12 and check the "Order" block in Item 13.
- 3. Check the "Citation" block in Item 14A; enter the initial citation number in Item 14E and the date of citation issuance in Item 14F.

- 4. Complete Item 15 "Area or Equipment" with the area or equipment affected by the order. Enter the phrase "No Area Affected" if this is a technical violation.
- 5. Do not complete item 16A or B.
- 6. A 104(b) order does not require the completion of a Special Assessment Review Form or a Possible Knowing/Willful Violation Review Form.
- 7. Terminate the 104(b) order when the out of compliance condition(s) is/are corrected

XIII. SECTION 104(d) CITATIONS AND ORDERS

A. Criteria for Issuing a 104(d)(1) Citation

A 104(d)(1) citation shall be issued if:

- 1. there is a violation of a mandatory health or safety standard;
- 2. the violation significantly and substantially contributes to the cause and effect of a mine safety or health hazard; and
- 3. there is an unwarrantable failure of the mine operator or contractor to comply with the standard.

Note: A violation of a Section of the Mine Act cannot be issued as a 104(d) citation or a 104(d) order even if the negligence evaluation is determined to be "high" or "reckless disregard." Also, a violation of other than mandatory health or safety standards (e.g., Part 40, 41, 43, 44, 45, or 50) cannot be issued as a 104(d) citation or order even if the negligence evaluation is "high" or "reckless disregard."

A violation is caused by an unwarrantable failure if it is determined that the mine operator or contractor has engaged in aggravated conduct constituting more than ordinary negligence.

B. Determining "Aggravated Conduct"

Factors an inspector should evaluate when determining "aggravated conduct" include one or more of the following:

- 1. the violative condition or practice was obvious or extensive;
- 2. the violative condition or practice had existed for a period of time;

- 3. similar violations have been issued at the mine or to the contractor in the recent past;
- 4. an agent of the operator or contractor had conducted an examination or had been in the area, or was aware of the existence of the condition;
- 5. the violative condition or practice had been reported to the operator or contractor who then allowed it to exist, without correcting or adequately addressing the problem, for a period of time;
- 6. the individual who committed or allowed the condition or practice to exist was a supervisor or an agent of the operator or contractor;
- 7. reasonable efforts were not made by the mine operator or contractor to correct the violative condition or practice; and
- 8. other factors, not enumerated above, resulted in a negligence evaluation by the inspector of "high" or "reckless disregard."

Only one 104(d)(1) citation can be issued during a 90-day period, or for as long as the mine operator or contractor remains under the 104(d) series. The inspector who issues the 104(d)(1) citation must keep other MSHA inspectors at the mine informed that the operator or contractor is under the 104(d) series to avoid the issuance of two 104(d)(1) citations to the operator or contractor. It is imperative that the 104(d) tracking system be updated and kept current.

Note: The mine operator or contractor remains on the 104(d) citation series until 90 days pass since the issuance of the original 104(d)(1) citation.

If another unwarrantable failure violation is observed during the same inspection, or any other type of inspection being conducted at the same time, or any other inspection within 90 days of the issuance of the unwarrantable failure citation, a 104(d)(1) order must be issued. Inspectors will continue to issue 104(d)(1) orders for any unwarrantable failure violations observed during these inspections.

C. Criteria for 104(d) Orders

Section 104(d) orders are required to meet the following criteria:

- 1. there is a violation (either "S&S" or "non-S&S") of a mandatory health or safety standard which was caused by the mine operator's or contractor's unwarrantable failure to comply;
- 2. the first 104(d)(1) order must be issued within 90 days of the issuance of a 104(d)(1) citation; and

3. 104(d)(2) orders follow the issuance of a 104(d)(1) order and must be issued on a subsequent inspection. All 104(d)(2) orders are to refer to the original 104(d)(1) order

Note:

Section 104(d) orders do not have to be issued for a violation of the same health or safety standard as the 104(d)(1) citation. The violation causing the issuance of a 104(d)(1) or (d)(2) order does not have to be evaluated as "S&S." The only requirement for a 104(d)(1) or (d)(2) order is that the safety or health violation was caused or contributed to by the operator's or contractor's aggravated conduct.

Unwarrantable failure violations observed on a subsequent inspection will be 104(d)(2) orders if two conditions are met:

- the operator or contractor is on the 104(d) series; and
- a 104(d)(1) order has previously been issued.

Section 104(d) orders will be issued until a "clean" inspection is made of the <u>entire</u> <u>mining operation</u>, through any combination of enforcement related inspections, and no unwarrantable failure violations are observed. The mine operator or contractor remains on the 104(d) order series until this clean inspection occurs and no further unwarrantable failure violations are observed.

Note: The 90 day time frame established for 104(d) citations does not apply to 104(d) orders.

If a 104(d)(1) or (d)(2) order is issued at a large mine and it is not possible to cover the entire mine during the same inspection, the areas inspected will be documented until the mine is inspected in its entirety. Examples of the 104(d) series are:

- **Scenario 1:** The inspector issues a 104(d)(1) citation. Other unwarrantable failure violations are not found on that inspection or any other inspection within 90 days. Other violations are cited but they are not unwarrantable failures. The operator is removed from the 104(d) series.
- **Scenario 2:** The inspector issues a 104(d)(1) citation on a regular inspection. Another unwarrantable failure is found during the same inspection and a 104(d)(1) order is issued. Another inspector returns to the property several days later and conducts a subsequent inspection of the entire operation. Unwarrantable failure violations are found during the inspection and 104(d)(2) orders are issued.
- **Scenario 3:** The inspector issues a 104(d)(1) citation. Other unwarrantable failure violations are not found during the inspection. An inspector goes back to the property within 90 days. Another unwarrantable failure violation is found and a

- 104(d)(1) order is issued. Several other unwarrantable failure violations are cited during the same inspection all are 104(d)(1) orders.
- **Scenario 4:** The inspector issues a 104(d)(1) citation. Another inspector returns to the property within 90 days on a subsequent inspection to check on compliance of an outstanding citation and finds no unwarrantable failure violations. The mine operator remains on the 104(d) series for the remainder of the 90 days (assuming that other unwarrantable violations are not found and cited during that time).
- Scenario 5: The inspector issues a 104(d)(1) citation and a 104(d)(1) order during the same inspection. Another inspector returns to the property on a subsequent inspection, finds an unwarrantable failure violation and issues a 104(d)(2) order. Several days later, an inspection is made of the entire mine and unwarrantable failure violations are not found during that inspection. The operator is removed from the 104(d) series because of this "clean" inspection.
- **Scenario 6:** The mine operator is issued a 104(d)(1) citation. Ninety days pass and other unwarrantable failure violations are not found. An inspector returns to the mine on the 91st day and finds an unwarrantable failure violation. The unwarrantable sequence starts over with the issuance of a Section 104(d)(1) citation.
- **Scenario 7:** An operator is issued a 104(d)(1) citation and a 104(d)(1) order. On a subsequent inspection the operator is issued a 104(d)(2) order. Two weeks later a complete inspection of the entire mine is conducted and unwarrantable failure violations are not cited. An inspector returns to the property after this clean inspection and finds an unwarrantable failure violation. The unwarrantable series is started anew with the issuance of a 104(d)(1) citation.
- **Scenario 8:** The inspector issues a 104(d)(1) citation. Other unwarrantable failure violations are not found during the inspection. An inspector goes back to the property within 90 days. An imminent danger with an unwarrantable failure violation is found, a 107(a) order is issued, and a 104(d)(1) order is issued in conjunction with the 107(a). Several other unwarrantable failure violations are cited during this same inspection; all are 104(d)(1) orders.

D. Paperwork for Section 104(d) Citation/Orders

1. **Section 104(d)(1) Citation:** Item 8 of the Mine Citation/Order Form shall include the following statement in the violation narrative: "This violation is an unwarrantable failure to comply with a mandatory standard." The remainder of the form is completed similarly to a 104(a) citation except that "104(d)(1)" is written in Item 12.

Item 8 of the Mine Citation/Order Form shall also include the factors that show how the operator engaged in aggravated conduct. **The violation must be**

evaluated as "S&S," the "Yes" block checked, and the negligence evaluation marked at least "High."

Note: A Section 104(b) withdrawal order will be issued, not a 104(d) order of withdrawal, if the operator or contractor fails to abate or correct a condition cited under a 104(d)(1) citation.

2. **Section 104(d)(1) Order:** Item 8 of the Mine Citation/Order Form shall include the factors that show how the operator engaged in aggravated conduct and also the following statement in the appropriate place within the violation narrative: "

This violation is an unwarrantable failure to comply with a mandatory standard." Enter "104(d)(1)" in Item 12 and check the "Order" block in Item 13. **The order can be evaluated as "S&S" or "non-S&S."** Complete Item 14 by checking the "Citation" block and Items 14E and F with the number of the 104(d)(1) citation and the date it was issued.

3. **Section 104(d)(2) Order:** The procedure is the same as for the 104(d)(1) order except in Item 14 E & F, check the "Order" block; in Item 14E refer to the <u>first</u> 104(d)(1) order; and in Item 14F enter the date the first 104(d)(1) order was issued. **The order can be evaluated as "S&S" or "non-S&S."**

Note: All 104(d)(2) orders must refer to the <u>first</u> 104(d)(1) order issued.

- 4. **Section 104(d)(1) and 104(d)(2) Orders:** Item 15 "Area or Equipment" is completed with information relating to what is ordered withdrawn. Enter the phrase "No Area Affected" if the 104(d) order is a technical violation and evaluated as "non-S&S."
- 5. Initiate both a Possible Knowing/Willful Violation Review Form and a Special Assessment Review Form for each 104(d)(1) citation **and** each "S&S" 104(d) order issued. Initiate **only** a Special Assessment Review Form for 104(d) orders that are evaluated as "non-S&S."
- 6. Prepare and send to the District Office a packet that includes: the original Possible Knowing/Willful Violation Review Form; a copy of the Legal Identity Report; a copy of the relevant general field notes; a copy of the citation/order notes; appropriate photographs; a copy of relevant citation(s) or order(s); and a copy of all modifications. (Each photograph should be identified by the citation or order number and affixed to a separate inspection field note. A short, descriptive, and legible narrative should be written underneath each photograph.) This packet shall be mailed to the District Office in a timely manner. Any exceptions to this policy shall be preapproved by the field office supervisor with concurrence from the District Office.

XIV. SECTION 104(e) PATTERN OF VIOLATIONS

Section 104(e) of the Mine Act provides for severe sanctions against mine operators who have a pattern of violations of mandatory health and safety standards that could significantly and substantially contribute to the cause and effect of the health and safety hazards.

On October 1, 1990, regulations identifying mine operators who met the criteria for pattern of violations as outlined in 30 CFR Part 104 became effective. These regulations include procedures for initial screening of mines that may be developing a pattern of violations; criteria for determining whether a pattern of violations exists at a mine; procedures for issuance of potential pattern notice and final pattern notice; and procedures for termination of a Notice of Pattern of Violations.

If, upon any inspection within 90 days after the issuance of a Notice of Pattern of Violation, an inspector finds any "S&S" violation of a mandatory health or safety standard, the inspector shall issue a 104(e)(1) withdrawal order. The withdrawal order shall remain in effect until MSHA determines that the violation has been abated. Additional 104(e)(1) withdrawal orders will be issued if any further violations of an "S&S" nature are also observed during the course of the same inspection.

If a 104(e)(1) withdrawal order has been issued, a 104(e)(2) withdrawal order will be issued when an inspector finds an "S&S" violation of a mandatory health or safety standard upon any subsequent inspection if the operator has been placed on the 104(e) series.

The mine operator remains on the 104(e) series until:

- No withdrawal order has been issued within 90 days of the issuance of the 104(e) order; or
- An inspection of the entire mine occurs and no "S&S" violations are found.

A. Paperwork for Section 104(e) Pattern Notice/Order

- 1. Notice of Pattern of Violation: The Notice is issued by the District Manager on an MSHA Form 7000-31 and not on a Mine Citation/Order Form 7000-3.
- 2. Section 104(e) Orders: Issue 104(e) orders on Mine Citation/Order Form 7000-3 with the following statement written at the end of the narrative in Item 8: "A Written Notice of Pattern of Violations, number xxxxxxx, was issued on xx/xx/xx."
 - a. Leave items 9A and 9B blank. Complete Item 9C with the mandatory standard violated.

- b. Complete Items 10A through D and Item 11 based on the determination made at the time the violation was observed.
- c. In Item 12, enter "104(e)(1)" or "(2)" and in Item 13 check the "Order" box.
- d. For 104(e)(1) orders, leave Item 14 blank.
- e. For 104(e)(2) orders, check the "Order" box in Item 14B. Write the number from the 104(e)(1) order in Item 14E and its date of issue in Item 14F.
- f. In Item 15 "Area or Equipment" describe the area or equipment affected.
- g. Item 16 "Termination Due Date and Time" is left blank.
- h. Termination of the Notice of Pattern of Violations will be done on a Mine Citation/Order Continuation Form using the preprinted number from the Notice of Pattern of Violations Form.

XV. SECTION 104(g)(1) ORDERS

Section 104(g)(1) of the Mine Act provides for the withdrawal of untrained miners from a mine or mill until they have received the training required by Section 115 of the Mine Act. The purpose of a Section 104(g)(1) order is to eliminate the hazard that untrained or inadequately trained miners pose to themselves and to other miners. Section 104(g)(1) orders shall be evaluated for "S&S" using the criteria in Section VI of this Chapter.

Underground Mines (Part 48). Sections 48.5, .6, .7, .8, and .11 are the only standards which may be cited under 104(g)(1) for untrained miners.

Surface Mines and Surface Areas of Underground Mines (Part 48). Sections 48.25, .26, .27, .28, and .31 are the only sections that may be cited under 104(g)(1) for untrained miners.

Surface Mines (Part 46). Sections 46.5, .6, .7, .8, and .11 are the only sections that may be cited under 104(g)(1) for untrained miners.

Citations shall <u>not</u> be issued in lieu of Section 104(g)(1) orders <u>unless</u> the miner cannot be trained because he or she is no longer employed at the mine, was permanently disabled, or was fatally injured.

When miners have received training but there are violations involving training plans, cooperative training programs, records of training, compensation for training, etc., Section 104(g)(1) orders of withdrawal should not be issued. Issuances of 104(a) or 104(d) actions, in these situations, are appropriate.

Section 104(g)(1) orders shall be written for the following types of untrained miners:

- new miners;
- experienced or newly-hired experienced miners;
- miners assigned to perform a task for which they have had no previous experience;
- miners whose annual refresher training is not up-to-date; and
- miners or applicable persons working on mine property who have not been given hazard training.

A. Guidelines for Determining the Number and Type of Citations or Orders to Issue for Part 46 and Part 48 Training Violations

1. Violations Involving One Miner:

If one miner is involved, but two or more sections of Part 46 or Part 48 have been violated, one Section 104(g)(1) order will be issued citing the appropriate section(s).

Scenario: One underground miner was found not task trained and had also missed annual refresher training. One Section 104(g)(1) order would be issued.

- 2. Violations Involving More Than One Miner:
 - a. When more than one untrained miner is withdrawn from a mine, a single 104(g)(1) order is appropriate provided the Part 46 or Part 48 training violation is the same for all the miners.
 - b. Where multiple miners are involved and different violations of the training requirements have occurred for each miner, one or more 104(g)(1) orders of withdrawal would be issued, depending on the circumstances.

Scenario: Eight underground miners did not have the requisite safety training (three did not receive new miner training; two were not task trained; three missed annual refresher training). Three separate 104(g)(1) orders would be issued: one citing 30 CFR 48.5; one citing 30 CFR 48.7; and one citing 30 CFR 48.8. The relevant miners' names will also be listed in Item 15 "Area or Equipment" on each violation.

c. When more than one miner is involved in violation of the same standard, the total number of miners withdrawn will be entered in Item 10D "Number of

Persons Affected" on Form 7000-3. Each miner's name will also be listed in Item 15 "Area or Equipment."

d. A 104(g)(1) order including more than one miner may be modified to allow individual miners to return to work as soon as each miner completes the training specified in the order.

3. 104(g)(1) Violations Involving Independent Contractors:

A Section 104(g)(1) order would be issued to the direct employer of any miner who has not received the required training. If there is uncertainty as to employer, the order should be issued to the operator with the greatest physical presence at the mine. Any discrepancies arising after the miner is withdrawn can be resolved through subsequent modification actions.

4. Citations Issued With Section 104(g)(1) Orders:

Citations shall not be issued in addition to 104(g)(1) orders for the same violation except in instances of overlapping compliance responsibility between contractors and mine operators. This means there may be circumstances where it is appropriate to issue citations or orders to both the independent contractor and the production operator.

Scenario: A miner is the employee of an independent contractor and the production operator had agreed to provide the miner training in accordance with the mine's MSHA approved training plan. The miner has not received the required training. A 104(g)(1) order would be issued to the independent contractor and, as appropriate, a 104(a) citation, or a 104(d)(1) citation, or a 104(d)(1) order, or a 104(d)(2) order would be issued to the production operator.

B. Paperwork for Section 104(g)(1) Orders

1. Write the violation narrative in Item 8. For a single employee and multiple training violations, follow the first narrative by noting the second cited standard then add a second narrative. If more space is needed, use a Mine Citation/Order Continuation Form. Include separate evaluations for gravity and negligence for each standard violated. Insert the following statement at the end of the violation narrative in Item 8:

"The Federal Mine Safety and Health Act of 1977 declares that untrained miner(s) are a hazard to themselves and others."

2. In Item 9C, enter the first standard cited.

ⁱ See examples of 104(g)(1) orders in the appendix.

- 3. "S&S" evaluations should be based on the criteria found in Section VI of this Chapter.
- 4. Enter 104(g)(1) in Item 12.
- 5. In Item 13 check the "Order" block.
- 6. In Item 15 "Area or Equipment" indicate the person(s) to be withdrawn. Use a Mine Citation/Order Continuation Form if more room is required to list all the miners.
- 7. Items 16A and B are not completed.

XVI. SECTION 107(a) IMMINENT DANGER ORDERS

Imminent danger is defined in the Mine Act as "the **existence** of any condition or practice in a coal or other mine which could reasonably be expected to cause death or serious physical harm before such condition or practice can be abated." **An inspector cannot issue a Section 107(a) order for "control purposes" in the absence of an imminent danger.** The Mine Act and all legal decisions clearly spell out the need for the existence of an imminent danger to justify the issuance of a 107(a) order. The courts have noted that an imminent danger exists only when the hazardous condition has a reasonable potential to cause death or serious injury within a short period of time.

An imminent danger order cannot be issued for an accident which has already occurred **unless** the imminence still exists. Immediate physical exposure to the imminent danger does not have to be witnessed by the inspector to issue a 107(a) order.

Because the purpose of Section 107(a) orders is to immediately remove miners from exposure to serious hazards and to prevent miners from entering such hazardous areas, an imminent danger must be **impending** at the time an order is issued. Therefore, when an imminent danger is observed, the inspector must, as soon as possible and at the time the imminent danger is being observed, either issue a written or an oral Section 107(a) order. An oral order should be documented in writing as soon as practical.

If an oral Section 107(a) order is issued, it should be stated in precise terms such as: "I am issuing you a Section 107(a) imminent danger order." At the least, the inspector must use the words "imminent danger" or "107(a)" at the time the oral order is issued.

A written order, issued after an oral Section 107(a) order, must clearly state that it is confirming an oral imminent danger order and identify:

- the individual to whom the oral order was issued;
- the time and date the oral order was issued;

- the location at which the oral order was issued; and
- the reason the oral order was issued. (This reason should be presented in the standard manner developed for the issuance of Section 107(a) orders.)

Imminent danger orders shall contain a detailed description of the conditions or practices which cause and constitute the imminent danger and a description of the area of the mine from which persons must be withdrawn and prohibited from entering. Only those persons described in Section 104(c) of the Mine Act may enter the affected area while the order is in place.

An imminent danger withdrawal order usually involves one or more violations of a mandatory health or safety standard. All contributing violations are to be addressed as separate citations or orders referring back to the 107(a) Imminent Danger Order.

A. Paperwork for 107(a) Orders - Mandatory Standard Not Violated

- 1. In Item 8 describe the condition(s) or practice(s) which contributed to the imminent danger situation. Add the following statement at the end of the Item 8 narrative: "This condition is an imminent danger." Also include a statement concerning when, where, why, and to whom the verbal order was issued. If additional space is needed, a Mine Citation/Order Continuation Form 7000-3a must be used.
- 2. Leave items 9A, 9B, 9C, 10, and 11 blank.
- 3. In Item 12 enter "107(a)".
- 4. In Item 13 check the "Order" block.
- 5. Leave Item 14 blank.
- 6. In Item 15 describe the "Area or Equipment" affected.
- 7. In Item 16 "Termination Due Date and Time" are left blank.
- 8. Terminate the order when the condition(s) or practice(s) that created the imminent danger is abated.
- 9. Completion of a Special Assessment Review Form and a Possible Knowing/Willful Violation Review Form is not required for imminent danger orders issued with no violations of mandatory standards.

B. Paperwork when a 107(a) Order is Issued and Mandatory Standard(s) Violated

- 1. Complete Item 8 as indicated above and include the statement, "Citation No. <u>xxxxxxx</u> is being issued in conjunction with this order." Describe the condition(s) or practice(s) which created the imminent danger situation. Add the following statement in the Item 8 narrative: "This condition is an imminent danger." Also include a statement concerning when, why, where, and to whom the verbal order was issued. A Mine Citation/Order Continuation Form 7000-3a is used if additional space is needed. When one or more violations create an imminent danger, each violation must be described in Item 8. Complete a Form 7000-3 for each violation. For each additional Form 7000-3, indicate in Item 8 that the violation was a contributing factor in the issuance of the imminent danger order and that an abatement time is not set for 104(a) citations and 104(d)(1) citations.
- 2. Leave items 9A, 9B, 9C, 10 and 11 blank.
- 3. In Item 12 enter "107(a)."
- 4. In Item 13 check the "Order" block.
- 5. Leave Item 14 blank for all 104(a) and 104(d) citations issued in conjunction with 107(a) orders of withdrawal. However, Item 14 must be completed for all 104(d) orders issued in conjunction with 107(a) orders of withdrawal by checking Item 14A or 14B, entering either the initial 104(d) citation or 104(d) order number (as appropriate) in Item 14 E, and entering the date in Item 14F.
- 6. In Item 15 describe the "Area or Equipment" affected.
- 7. In Item 16 "Termination Due Date and Time" is not entered.
- 8. Terminate the imminent danger order when the condition(s) or practice(s) that created the violation is abated, but never before all citations issued in conjunction with the imminent danger have been abated.
- 9. A Special Assessment Review Form must be completed for all 104(a) citations and 104(d) citations and orders issued in conjunction with a 107(a) imminent danger order with an evaluation of at least "Moderate" negligence. A Possible Knowing/Willful Violation Review Form must be completed for 104(a) citations and 104(d) citations and orders issued in conjunction with a 107(a) imminent danger order regardless of the negligence evaluation.

XVII. SECTION 107(b)(1) NOTICES

Section 107(b) provides unique enforcement procedures and requirements to contend with the unusual circumstances of dangerous conditions that cannot be effectively abated through the use of existing technology. Accordingly, inspectors and district officials

shall not issue orders or take any action under Section 107(b) before consulting with the Administrator for Metal and Nonmetal or the Administrator for Coal Mine Health and Safety.

Further, Section 107(b) orders are not to be modified, terminated, or vacated by inspectors or district officials without strict coordination with the Administrator for Metal and Nonmetal or the Administrator for Coal Mine Health and Safety.

XVIII. SECTION 110(g) NOTICES

A miner shall be issued a notice under Section 110(g) of the Mine Act if he or she is found willfully violating any of the mandatory safety standards relating to smoking or the carrying of smoking materials, matches, or lighters. Mandatory standards applicable to smoking are: 56/57.4100, 57.5041, 56/57.6904, 56/57.7805, 57.22101, 57.22102, 57.22105, 75.1702, and 77.1711.

To find a <u>willful</u> violation of the safety standard relating to smoking, the inspector must have evidence that the miner actually smoked in an underground coal mine or smoked in a restricted area in an underground metal or nonmetal mine or surface area. The restricted area on the surface must also be well posted as being a non-smoking area. In order for a miner to be found to have willfully violated the regulations regarding the carrying of smoking materials, the inspector must have proof that the miner actually knew he or she was carrying the smoking materials into a restricted area.

If the miner who was smoking or carrying materials in restricted areas is an agent, such as a foreman or other supervisor, the miner should not be subject to a Section 110(g) penalty but instead should be subject to a referral under Section 110(c) or Section 110(d).

The inspector should make every reasonable effort to document the miner's past training regarding the materials, obtain and note the miner's address and rate of pay so the nature of the proposed civil penalty can be accurately assessed and mailed to him or her since the civil penalty for this notice is assessed to the miner and not the mine operator or contractor.

The mine operator or contractor shall be issued a citation and a possible imminent danger order (depending on the circumstances observed) whenever a miner is found to be smoking or found carrying smoking materials, matches, or lighters in prohibited areas.

Scenario: A miner is observed smoking a cigarette in an underground explosives magazine. There are six open cases of dynamite within three feet of the miner. A 110(g) notice shall be issued to the miner. Also, a 104(a) citation and a 107(a) order shall be issued to the mine operator or contractor for a violation of 57.6904 or 75.1702.

A. Paperwork for 110(g) Notice

- 1. Item 4 of the Mine Citation/Order form is completed with the miner's name. Items 5, 6, and 7 are completed with the operator's name, the mine name, and the Mine ID number.
- 2. Item 8 is completed with a description of the observed violation. The following statement shall be included at the end of that description:

"This is notification to the individual that he or she will receive a civil penalty for willfully violating a mandatory safety standard relating to smoking or the carrying of smoking materials, matches, or lighters."

- 3. Item 9B is completed with "110(g)".
- 4. Item 9C is completed with one of the standards violated: 56/57.4100, 57.5041, 56/57.6904, 56/57.7805, 57.22101, 57.22102, 57.22105, 75.1702, and 77.1711.
- 5. Complete Section II, items 10A through D based on the determination made at the time the violation was observed. Section II, item 11 will always be completed with at least "high" negligence checked.
- 6. Item 16 is not completed.
- 7. One copy of the completed notice is given to the miner.
- 8. A copy of the notice will be mailed to the MSHA Office of Assessments in Wilkes-Barre, Pennsylvania. A cover letter shall be attached explaining the circumstances and any mitigating factors relating to its issuance. The letter shall also provide the miner's address so that the proposed civil penalty can be processed.

XIX. MINE OPERATOR IN VIOLATION OF AN ORDER OF WITHDRAWAL

A separate 104(a) citation shall be issued, in all instances, for failure to comply with each order violated citing the applicable section [104(b), 104(d)(1), 104(d)(2), 104(e)(1), 104(e)(2), 104(g)(1), 107(a), 103(j) or 103(k)] when an inspector encounters a mine operator working in violation of an order of withdrawal. In citing this violation, the inspector should explain to the mine operator what MSHA's legal rights are under the Mine Act and the penalty for continuing to operate in the face of a withdrawal order.

Note: A 104(a) citation for operating in the face of an order shall not be issued when an order of withdrawal is issued and the "Area or Equipment" in Item 15 is noted as "No Area Affected" because the mine operator was notified that an "Area or Equipment" was not required to be withdrawn. If appropriate, injunctive action

can be initiated by the District Manager if the mine operator continues to operate in the face of a withdrawal order.

The inspector should contact the field office supervisor or the District Office as soon as possible if an operator is found violating any withdrawal order. Additionally, while these violations are rare, civil penalties assessed to mine operators can be substantial; therefore, the inspector must document in detail the activity and statements regarding all the circumstances concerning the issuance of this citation.

Since this type of 104(a) citation stands alone for assessment purposes, it will be separately evaluated for gravity and negligence. Violations of the Mine Act shall always be designated as "non significant and substantial" (non S&S). Accompanying citations for mandatory safety standards may be designated as S&S depending on the circumstances or conditions observed. The following guidance applies to those evaluations:

<u>Negligence evaluation</u> - shall be based on existing conditions and circumstances at the time of its issuance and **does not** have to reflect the same negligence as the preceding order of withdrawal since circumstances may have changed since the order's issuance. Evaluations for negligence, however, are usually "high" or "reckless disregard" because the mine operator was previously issued an order of withdrawal.

<u>Gravity evaluation</u> - shall be designated as "non significant and substantial" as it is a violation of a section of the Mine Act without an accompanying mandatory standard. Further, this type of violation can not be cited as an unwarrantable failure because a violation of a mandatory standard did not occur.

A Possible Knowing/Willful Violation Review Form will be completed for all citations issued for operating in the face of a withdrawal order. A Special Assessment Review Form will also be completed if the citation has an evaluation of at least "High" negligence.

A. Paperwork for Working in Violation of a Withdrawal Order

1. In Item 9B of the Mine Citation/Order Form enter the Section of the Mine Act violated; this entry will be the same as the type of order originally issued.

Example: If a 104(b) order is not complied with, enter "104(b)" in Item 9B. Enter "107(a)" in Item 9B if the operator is working in violation of a 107(a) order of withdrawal. Enter 104(d)(1), 104(d)(2), 104(g)(1), 104(e)(1), 104(e)(2), 103(j), or 103(k) in Item 9B if the operator is working in violation of one of these orders.

2. Item 9C is left blank.

- 3. Items 10 and 11 are completed with gravity and negligence evaluations made dependent on the circumstances present at the time of observation. Violations of the Mine Act shall always be designated as "non significant and substantial" (non S&S). Accompanying citations for mandatory safety standards may be designated as S&S depending on the circumstances or conditions observed.
 - 4. In Item 14 check the "Order" block, enter the order number and the date it was issued.
 - 5. In Items 16A and B enter the "Termination Due Date" and "Time."
 - 6. Terminate the citation when personnel are withdrawn as required. Terminate the order when the original condition or practice is abated.
 - 7. Prepare and send to the District Office a packet that includes:
 - a. the original Possible Knowing/Willful Violation Review Form;
 - b. a copy of the Legal Identity Report;
 - c. a copy of the relevant general field notes;
 - d. a copy of the citation/order notes;
 - e. appropriate photographs;
 - f. a copy of relevant citation(s) or order(s); and
 - g. a copy of all modifications.

Each photograph should be identified by the citation or order number and affixed to a separate inspection field note. A short, descriptive, and legible narrative should be written under each photograph.

This packet shall be mailed to the District Office <u>in a timely manner</u>. Any exceptions to this policy shall be preapproved by the field office supervisor with concurrence from the District Office.

CHAPTER 5 - HEALTH CRITERIA (M/NM)

I. DOCUMENTATION OF HEALTH VIOLATIONS

Generally, when health sample results indicate that there has been an overexposure to dust, chemical contaminants, etc., the following information will be documented by the inspector:

- type of contaminant
- amount of exposure as compared to what is allowed
- error factor used
- length of the miner's exposure
- personal protective equipment program (or lack of) implemented by the operator
- type of (or lack of) personal protective equipment worn when the overexposure occurred
- training provided to the miner in the use of the personal protective equipment (if appropriate)
- controls used and their condition
- controls available

II. OVEREXPOSURE TO CONTAMINANTS HAVING CEILING DESIGNATIONS

When there is an overexposure to a contaminant that has a ceiling designation it is appropriate to issue a 104(a) citation with an abatement time reflecting the time needed to remove miners. Miners shall not reenter the area until the hazardous condition(s) is corrected except for those miners who are working to establish the necessary engineering controls. These miners must wear appropriate personal protective equipment. A 104(b) order shall be issued withdrawing all exposed miners from the contaminated atmosphere if the condition(s) is not corrected within the abatement time. In this case, standards 56/57.5001(c) and 56/57.5005 should be considered as one standard and should be entered in Item 9C of the Mine Citation/Order Form (e.g., 56.5001(c)/.5005).

The above situation warrants a 107(a) imminent danger order only if the concentration(s) measured and the work condition(s) cause the situation to be immediately dangerous to the miners exposed.

III. IMMINENT DANGER SITUATIONS INVOLVING CHEMICAL HAZARDS

A. IDLH Levels

MSHA considers the atmosphere "immediately harmful to life" whenever a contaminant's Immediate Danger to Life or Health (IDLH) limit is exceeded. The IDLH limits for various contaminants can be found in the "National Institute for Occupational Safety and Health (NIOSH) Pocket Guide to Chemical Hazards." However, imminent danger situations can exist below IDLH levels due to length of exposure, work activity, or time to escape. The following procedures are to be implemented whenever a contaminant's IDLH limit, plus the sampling factor, is exceeded:

- 1. A 107(a) order of withdrawal with contributing citations and/or orders should be issued noting the contaminant levels and the conditions constituting the imminent danger situation.
- 2. The order of withdrawal shall require that all miners be immediately withdrawn from the contaminated atmosphere. The order should note that only those miners wearing appropriate personal protective equipment, and who are working on establishing engineering controls, will be permitted to reenter the affected area.
- 3. Additionally, as required under 56/57.5005(c), at least one other person with backup equipment and rescue capability shall be present before any unprotected miner may reenter an atmosphere immediately harmful to life.
- 4. See Chapter 4, Section XVI of this handbook concerning the issuance of an imminent danger order with contributing citations and orders.

B. Other Situations

In some cases an imminent danger may exist even though a contaminant's IDLH limit is not exceeded. Continual exposure at high levels and through adsorption through all routes of exposure can result in similar harm to miners. The issuance of an imminent danger order may be warranted if dizziness, headaches, slowed reflexes, lack of coordination, or other serious symptoms are caused by exposure, including direct contact, along with consideration of the work environment, and serious physical harm or death may occur. The following procedures are to be implemented whenever there is exposure that may cause serious physical harm or death:

- 1. A 107(a) order of withdrawal with contributing citations and/or orders should be issued noting the contaminant levels and the conditions constituting the imminent danger situation.
- 2. The order of withdrawal shall require that miners be immediately withdrawn from the contaminated atmosphere. It should be noted on the order that only those

miners wearing appropriate personal protective equipment, and who are working to establish engineering controls, will be permitted to reenter the affected area.

- 3. Additionally, as required under 56/57.5005(c), at least one other person with backup equipment and rescue capability shall be present before any miner enters an atmosphere immediately harmful to life.
- 4. See Chapter 4, Section XVI of this handbook concerning the issuance of an imminent danger order with contributing citations and orders.

Scenario: A miner has been exposed to 700 parts per million (ppm) of carbon monoxide. He has been drilling in the same area for the last four hours. The miner complains of dizziness, headache, nausea, and uncoordination and exhibits severe mental confusion. The miner's partner indicates that he also has similar symptoms. Further investigation reveals that the drill has fallen on both miners three times within the last hour due to their lack of concentration and inability to coordinate drilling activities. Ventilation in the area is not adequate due to holes and blockages observed in the vent tubing providing air into the area.

Scenario: A cyanide pipe in a mill broke and is spraying the solution everywhere. The exposed solution has flowed through the mill and has contacted some acidic material. HCN levels are measured at the doorway at 35 ppm. A worker has gone in the plant with barriers to control the flow but is only wearing regular shoes and work clothes. Since the miner would absorb the whole dose and absorption through the skin, handling the solution without personal protective equipment could also be an imminent danger situation.

Because of the high exposure to a contaminant, the length of exposure time, the noted symptoms of the miners, the safety hazards associated with incorrectly operating equipment, and the hazardous workplace environment, an imminent danger situation exists. Assuming that an evaluation of ordinary negligence was made, the inspector would issue a 107(a) imminent danger order and withdraw the two miners from their workplace.

IV. NEGLIGENCE AND GRAVITY EVALUATIONS OF HEALTH VIOLATIONS

The following instructions apply to Section II of the 7000-3, Mine Citation/Order Form, unless otherwise specified.

A. Negligence

The degree of negligence is dependent on what the mine operator did **before** MSHA collected the samples that established the violation. Factors to be considered by the inspector include items such as:

- 1. whether the mine operator knew or had been told of the high contaminant level(s);
- 2. condition of engineering controls;
- 3. had engineering control systems been provided;
- 4. whether the operator provided appropriate personal protection, whether it was fittested (if appropriate), whether personnel were trained in its use (if appropriate), and whether it was worn, properly maintained, cleaned.

B. Gravity

1. Likelihood: Consider "Reasonably Likely" or "Highly Likely" if respiratory or hearing protection was not provided; if the respiratory or hearing protection was not adequately maintained; if the individual was not respirator fit-tested; if the person was not trained in the use of the respirator; or if the protection was not suitable for the hazard. Also consider "Reasonably Likely" or "Highly Likely" if the respiratory or hearing protection program had deficiencies which caused the personal protection to be inadequate to ensure protection of the miner.

Note: With regard to nuisance particulates and silver metal overexposures between 0.01 mg/m³ and 0.1 mg/m³ operators must use engineering controls to reduce exposure to the permissible limit and comply with the respiratory protection requirements of standard 56/57.5005. However, the .5001(a)/.5005 citation for overexposure to nuisance particulates and to silver metal in the above concentration range is not "S & S." Overexposures to soluble compounds of silver, such as silver nitrate, above 0.01 mg/m³ should be considered "S & S" if adequate protection was not worn.

If appropriate respiratory protection was being properly worn, was appropriate to the hazard, the worker was respirator fit-tested, and the company had an acceptable respiratory protection program, the occurrence would be marked "Unlikely".

2. Severity: Overexposure to airborne contaminants and physical agents should be marked according to the severity of the disease they produce.

Examples: Silica causes silicosis which is permanently disabling and sometimes fatal; radon daughters can cause lung cancer which can be fatal; and noise causes hearing loss and would normally be marked permanently disabling.

3. Number of Persons Affected: For most situations, indicate the number of workers sampled. There are situations, however, where more workers should be entered in Item 10D of the Mine Citation/Order Form. If other workers perform the same

job on different shifts or if several workers rotate during the same shift and perform the identical job, they should be included in this box.

Example: A day-shift crusher operator is overexposed to respirable silicabearing dust. Two other miners operate the crusher on the evening shift. Item 10D would have "3" entered.

C. Significant and Substantial Violations

The "Yes" block in Item 10C must be marked if it is reasonably likely that one or more persons will or could suffer at least "Lost Workdays" or "Restricted Duty" as a result of exposure to the contaminant.

The "No" block in Item 10C is to be marked if it is not reasonably likely that one or more persons will or could suffer at least "Lost Workdays" or "Restricted Duty" as a result of exposure to the contaminant.

Note: Since all overexposure limits have a likelihood of health impairment, this evaluation is dependent on the use of adequate personal protective equipment.

V. PAPERWORK FOR AIRBORNE CONTAMINANT VIOLATIONS

Fill out the citation form as usual except as follows:

- A. "Date and Time of Issue" is the date and time the citation was issued.
- B. In Item 8 include the following information: the Threshold Limit Value (TLV®) or the exposure limit; the error factor; the contaminant; the concentration; the job title of the person sampled; the equipment and area where the person was working; and the believed reason for the overexposure. Always include information as to whether or not the person was wearing approved respiratory protection with an adequate program. Include a statement noting the sampling date.
- C. When there is an overexposure to airborne contaminants (except asbestos), standards 56/57.5001(a) and 56/57.5005 should be considered as one standard. Enter the standard in Item 9C using the following format: 56.5001(a)/56.5005. When the overexposure is to asbestos, use 56/57.5001(b) and 56/57.5005 as one standard [e.g., 56.5001(b)/.5005 or 57.5001(b)/.5005].
- D. Standard 56/57.5005 can be written alone **only** where MSHA requires a respiratory protection program for compliance and the mine operator fails to follow the program's requirements.

Standard 56/57.5005 can be cited without resampling if:

- 1. the mine operator is observed operating without complying with the respiratory protection program mandated by an outstanding citation for dust overexposure; or
- 2. the operator was allowed to operate when all feasible engineering or administrative controls were implemented and a respiratory protection program was required for compliance.
- E. The citation is "S&S" if a respirator is not being worn; if the person sampled or involved has not been properly fit-tested with the respirator model being worn; if the respirator was not properly maintained; or if the respirator was not selected in accordance with American National Standards Institute (ANSI) Z88.2-1969, Practices for Respiratory Protectionⁱⁱ. Additionally, there may be other circumstances where the citation should be evaluated as "S&S." The inspector should review ANSI requirements for compliance and the circumstances of each case to determine if a citation should be evaluated as "S&S."

Note: With regard to nuisance particulates and silver metal overexposures between 0.01 mg/m³ and 0.1 mg/m³, operators must use engineering or administrative controls to reduce exposure to the permissible limit and comply with the respiratory protection requirements of standard 56/57.5005. However, the .5001(a)/.5005 citation for overexposure to nuisance particulates and to silver metal in the above concentration range is not "S & S." Overexposures to soluble compounds of silver, such as silver nitrate, above 0.01 mg/m³ should be considered "S & S" if adequate protection was not worn.

F. If approved protection is not being worn, the initial termination due date will be the time necessary for the operator to provide appropriate respirators and develop a respiratory protection program in accordance with ANSI Z88.2-1969.

Also include a statement in the citation that once a respiratory protection program is implemented, in accordance with ANSI Z88.2-1969, the citation will be extended to allow the mine operator time to implement engineering or administrative controls.

- G. State in the extension what items are required to be accomplished by the abatement due date. When an extension is issued because progress has been made toward termination of a health violation, but MSHA resampling has not been done, enter the current date in Item 12 of Form 7000-3a.
- H. If resampling has been done, and you are awaiting results, there is no need to issue an extension. When results are received, take appropriate action.
- I. When an extension is required because MSHA sampling indicates that additional work needs to be completed by the mine operator, and it is not an issue of noncompliance, the inspector will issue an appropriate extension. Enter the date and time the extension was issued in Item 12 of Form 7000-3a.

ii See MSHA's Health Inspection Handbook for more information on ANSI requirements.

When resampling results indicate compliance, enter the date and time the termination was issued in Item 12 of Form 7000-3a.

VI. ISSUING ORDERS OF WITHDRAWAL FOR AIRBORNE CONTAMINANT VIOLATIONS

- A. Resampling must be done to determine if an overexposure still exists before issuing a 104(b) order. Do not issue an extension while you are awaiting the sampling results. However, an expedited analysis can be requested from the lab.
- B. Section 104(b) order must be issued if the operator or contractor fails to provide appropriate respiratory protection; or if the employee is not wearing an appropriate respirator; or if the operator has not implemented an appropriate respiratory protection program within the abatement time, and further extension of the abatement time is not warranted.

Once an appropriate respiratory protection program is implemented, the 104(b) order can be modified to allow work to continue until feasible engineering or administrative controls are implemented.

Note: If the operator or contractor can install feasible engineering or administrative controls more quickly than acquiring the respiratory protection equipment, the quicker means of abatement should be required.

C. A 104(b) order must also be issued if the operator or contractor fails to implement feasible engineering or administrative controls within the established abatement time, and further extension is not warranted.

The citation can be terminated if the resampling results demonstrate that the operator is now in compliance. A 104(b) order must be issued if the results demonstrate that the operator is not in compliance and further extension of the abatement time is not warranted. The order should be dated the day resampling occurred.

D. When an inspector issues a Section 104(b) order of withdrawal, the condition or practice statement in Item 8 must duplicate the statement as it was written in the original citation.

The statement should also explain, in detail, the reasons for the operator's failure to abate the citation, and what must be done to achieve abatement of the condition or practice that caused issuance of the citation. It should be noted in the 104(b) order, if applicable, that the failure to abate the violation involved a deficiency in the use of personal protective equipment (e.g., respirators) which was required as an interim protective measure pending the implementation of feasible engineering or administrative controls.

Once issued, the 104(b) order replaces the citation as the enforcement instrument. The abatement language in the order should provide sufficient details of the abatement requirements to allow the operator as much latitude as possible in achieving abatement.

Note: If the order was issued for failure to provide respiratory protection, when respiratory protection is provided, modify the order to allow the installation of controls. Do not terminate the order until overexposures have been brought into compliance.

E. When an operator continues production in violation of a 104(b) order or neglects to abide by the conditions under which the 104(b) order was modified, the inspector must issue a 104(a) citation to the operator for a violation of Section 104(b) of the Mine Act and require, as an abatement condition, that a respiratory protection program be instituted for compliance. See Chapter 4, Section XIX, of this handbook for procedures to follow when an operator works in the face of a withdrawal order.

VII. GENERIC CHEMICAL CONTAMINANT OR DUST CITATION

"The (job description) (location description) was exposed to a (shift or time weighted average) of (contaminant) on (sampling date). This exceeded the Threshold Limit Value (TLV®) times the error factor of (enter factor)ⁱⁱⁱ. The analytical results were received and the citation was issued on (date citation was issued)."

Include the possible sources of the contaminant and any obvious deficiencies of the control systems; the type and condition of any personal protective equipment; and, if a respirator was used, whether or not a respirator program consistent with ANSI Z88.2-1969 was in place. When a respiratory protection program is nonexistent or deficient, state that the abatement time will be extended, if necessary, after a respiratory protection program consistent with ANSI Z88.2-1969 is in place so as to allow a reasonable period for the installation of controls.

VIII. COMPLIANCE OR NONCOMPLIANCE DETERMINATION FOR NOISE VIOLATIONS

Information and guidance on the issuance of noise citations/orders may be found in the M/NM Mine Health Inspection Procedures Handbook, Noise Chapter, and in related Procedure Instruction Letters (PIL's) and Procedure Instruction Bulletins (PIB's).

iii See MSHA's Health Inspection Handbook for contaminant sampling and analysis procedures.

CHAPTER 6 - HEALTH CRITERIA (COAL)

Information and guidance on the issuance of health citations and orders at coal mines may be found in the Coal Mine Health Inspection Procedures Manual and related Procedure Instruction Letters (PILs). Appendix C of this document contains examples of coal mine health citations and orders.

CHAPTER 7 - GENERAL INFORMATION

I. CITATION/ORDER BOOKS / IPAL CITATION NUMBERS - ACCOUNTABILITY

Citation books are accountable government property. When citation books are issued to an inspector, the inspector shall sign and date the white cover sheet and return it to the field office supervisor. The forms are accounted for when the inspector marks the appropriate codes on the yellow cardboard sheet. The inspector shall sign and date the yellow sheet when the book is empty and return it to the supervisor. The supervisor will attach the yellow and white sheets together and forward the forms to the District Office. Inspectors are also accountable for violation numbers issued through the IPAL system. Upon receipt of the violation numbers, the inspector must sign and date to acknowledge receipt of these numbers.

II. ISSUING CITATIONS AND ORDERS

It is not mandatory to give the mine operator the citation or order form at the time the violation is observed. The operator or his designee, however, shall be told that there is a violation and a thorough discussion will ensue as to exposure, negligence, severity, and time permitted for abatement. Citations and orders shall be issued to the mine operator or his or her agent with reasonable promptness.

Note: Some citations or orders, because of the required analysis or other mitigating factors, might be cited and delivered to the mine operator at a time after the violation has occurred. Examples include, but are not limited to: certain Part 50 violations, certain health violations, violations cited as a result of accident investigations, and violations cited as a result of reviewing accident forms.

III. COMPLIANCE ASSISTANCE VISIT (CAV)/REOPENING INSPECTION FOLLOW-UP

If an inspector observes a violation that is not abated and which was noted on a previous CAV inspection, a 104(a) citation will be issued without referencing the CAV notice in the narrative or negligence evaluation section of the citation.

Inspectors should remember that a 104(a) citation is not the only action that can be taken for unabated CAV notices. Since the CAV inspection, the hazard observed during that inspection may have worsened or miners' exposure to the hazard might have increased. If an imminent danger situation now exists, a Section 107(a) withdrawal order should be issued with **no reference** made to the CAV notice in the body or negligence evaluation section of the order.

If an inspector finds a violation that is not abated at the completion of the Reopening Inspection, a 104(b) order will be issued. The inspector statement accompanying any

citation or order of withdrawal issued during the course of a reopening inspection should reflect that the inspection was made before reopening the mine.

IV. FIELD NOTES

For MNM, the forms provided to document inspectors' observations during enforcement activities are MSHA Forms 4000-49E (Citation/Order Documentation) and 4000-49F (General Field Notes), both 8½" x 11" in size, or Forms 4000-49G (Citation/Order Documentation), 4000-49H (General Field Notes), both 5" x 8" in size, and 4000-31 (Health Field Notes). For Coal, the forms provided to document inspectors' observations during enforcement activities are MSHA Form 7000 series. **Inspectors are not to take notes on other paper and copy them to these forms unless directed otherwise.**

V. CONTRACTOR CITATIONS AND MSHA ID NUMBERS

Unless a contractor is cited, has a reportable accident, or is engaged in one of the nine types of construction or services listed in the MSHA Program Policy Manual (Volume III), an MSHA contractor ID number is not necessary. Some mine operators, however, require contractors to get numbers as a precondition for contract bidding.

MSHA will provide an ID number for any contractor who requests one, but they need not apply except for the reasons specified above.

A contractor without an MSHA ID number can be cited using the mine operator's mine ID number until a contractor number is issued. A modification can then be written to include the new contractor number and to change the company name to the contractor's name when that number is obtained.

Note: The contractor's name entered on the citation must be exactly as it was when the MSHA Contractor ID number was assigned.

Contractor citations cannot be put into the MSHA computer system until the contractor is linked to the mine ID number. The Contractor Form 4000-39 must be submitted to link that contractor number with the mine ID number.

VI. CITATIONS OR ORDERS - ACCIDENT INVESTIGATIONS

The appropriate inspection code will be entered in Item 19 of the Mine Citation/Order Form during an accident investigation. During the investigation, this code is to be used on all citations and orders issued that are directly related to the accident. The inspector will initiate a separate event and use that event number if citations or orders are issued which are not directly related to the accident. If a regular inspection is not ongoing at the mine at the time of the accident, a new event will be initiated.

Note: The unrelated citations or orders should not be included with the accident report.

VII. TERMINATION TIMES FOR CITATIONS

The inspector shall give primary consideration to the health and safety of miners in establishing abatement times. The termination time for a citation must be specific and provide a reasonable time for the operator to abate the conditions or circumstances which caused issuance of the citation. Citation abatement times shall not be established for the convenience of the mine operator, the inspector, because the mine operator has filed an appeal with the Federal Mine Safety and Health Review Commission, or because of a filing for a Petition for Modification. The inspector shall give primary consideration to the health and safety of miners in establishing abatement times.

VIII. EXTENDING/TERMINATING CITATIONS AT AN MSHA OFFICE

Most citations and orders require an on-site inspection to verify conditions before they can be terminated. Some citations and orders, such as those relating to dust, may be terminated without conducting an on-site inspection. A field office supervisor should approve any citations or orders that are terminated without conducting an on-site inspection. A "new" event number should not be initiated when a citation or order is extended, terminated, or vacated from an MSHA office. The appropriate enforcement activity code should be used.

IX. EXTENDING CITATIONS - OPERATOR HAS APPEALED A CITATION OR ORDER

The filing of an appeal of a citation or order by a mine operator or contractor with the Federal Mine Safety and Health Review Commission (Commission) or the filing of a petition for modification does not relieve the operator or contractor of the responsibility to comply with the cited mandatory standard and these are not a basis to extend the citation.

The extension of any citation <u>is</u> appropriate if primary consideration has been given to whether a safety or health hazard exists or may exist to the miners. An extension of time for the operator or contractor to comply may be appropriate if the hazard can be eliminated with an interim measure which ensures protection of miners.

X. MODIFICATIONS TO CITATIONS/ORDERS/SUBSEQUENT ACTIONS

The original Mine Citation/Order Form 7000-3 and 7000-3a and all copies must be exactly alike. Any items written or entered in error on the form must be modified using a Mine Citation/Order Continuation Form 7000-3a. **Inspectors will not make changes on MSHA copies nor ask mine operators to make the same changes on their copies.**

XI. TERMINATING CITATIONS AND ORDERS

A. Citations and orders will be terminated on either the Mine Citation/Order Form or a Continuation Form. The termination of a citation or order must be written on a Mine Citation/Order Continuation Form and given to the mine operator or contractor.

Example: Four citations/orders were written and issued to the mine operator on Monday. Three days later all violative conditions were corrected. The four citations/orders shall be individually terminated on a Mine Citation/Order Continuation Form 7000-3a.

B. Citations and orders shall be terminated when a mine is classified by MSHA as permanently abandoned and sealed, or if it moves to a location some distance from the original site (e.g., a portable crusher). Citations and orders shall also be terminated when out of compliance equipment is permanently "removed from service," is permanently retired from service, or is permanently removed from the mine site.

The following procedures shall apply when citations and orders are terminated in the above situations:

1. Mine operation status is changed to "permanently abandoned."

The inspector shall make every reasonable attempt to determine if the operator complied with the cited standards.

a. If the operator did comply then:

Terminate any outstanding citations or orders and hand deliver or mail the operator the terminations. Write on the termination(s) that the violative condition(s) or practice(s) was corrected.

b. If it is determined that the operator did not correct the violative condition(s) or practice (s) before the mine was abandoned then:

Terminate any outstanding citations or orders and hand deliver or mail the operator the terminations. Write the following on each termination:

"The basis for termination of this citation (or order) is the classification of the mine as permanently abandoned. The violative condition(s) or practice(s) was not corrected. The operator is required to comply with the provisions of the cited standard before resuming activities at this location or at another mine.

- 2. Operation or equipment moves to a new location away from the initial mine site.
 - a. If the inspector determines that the operator did comply prior to moving then:

Terminate all outstanding citations or orders and hand deliver or mail the operator all terminations. Note on the termination(s) that the basis for termination is that the violative condition was corrected.

b. If the inspector determines that the operator did not comply prior to moving then:

Terminate all outstanding citations or orders and hand deliver or mail the operator all terminations. Write the following statement on each termination:

"The basis for termination of this citation (or order) is the moving of mining operations (or equipment). The violative condition(s) or practice(s) was not corrected prior to moving. The operator is required to comply with the provisions of the standard before resuming any activities at another mine. Failure to correct the cited condition(s) or practice(s) prior to resuming these activities will be considered by MSHA to be aggravated conduct constituting more than ordinary negligence."

XII. EQUIPMENT REMOVED FROM SERVICE

"Removed from service" does not mean parking a piece of equipment (e.g., front-end loader, truck) or a mining unit (e.g., portable crusher, screening unit) so that it can be restarted and easily placed back into service in the same out-of-compliance condition which caused issuance of the original citation(s) or order(s). Rather, "removed from service" refers to the action(s) taken by the mine operator or contractor to permanently incapacitate or render inoperable the equipment and eliminate the violation. The termination should note the actions and/or statements made by the mine operator, or his or her representative, relating to the equipment's "removal from service."

Scenario: A loader is cited for not having an audible back-up alarm installed. The mine operator (or contractor) takes the tires off the loader, places it on blocks, removes the battery, and welds the doors closed. Any of these actions could qualify the equipment as being "removed from service" and justify termination of any outstanding citation(s) or order(s).

XIII. MINE OWNERSHIP CHANGES WITH OUTSTANDING CITATIONS OR ORDERS

When ownership of a mine changes after a citation(s) or order(s) is issued, the termination should be issued to the operator of the property at the time of termination. The operator of the mine at the time a citation is issued is the entity who will be assessed the civil penalty even though the mine no longer belongs to that operator.

In all cases, do not modify the outstanding citation(s) to change mine ownership.

When a change in mine operator occurs after a citation is issued but before it is terminated and justification is not found to extend the citation, a Section 104(b) order of withdrawal can be issued to the new mine operator.

Unless conditions that were noted on the original citation have deteriorated and now pose an imminent danger to miners, the new mine operator should generally be given the same amount of time to correct the violative condition as was given the previous mine operator.

Example: On July 1, Jane Doe Sand and Gravel is issued a citation for an unguarded conveyor head pulley and given one week to abate the condition. On July 7, Tom Brown Crushing purchases the mine and begins managing the operation the same day. On July 10, an MSHA inspector returns to check on the outstanding guarding citation and found that a guard had not been installed on the head pulley.

Based on the circumstances noted above:

- an extension would be issued if the inspector found and documented mitigating circumstances (e.g., the new mine operator was unaware of the violation). The extension would be issued to "Tom Brown Crushing" noting in Section II narrative of form 7000-3a that Tom Brown Crushing purchased the operation on July 7 and was the new mine operator; or
- a Section 104(b) order of withdrawal would be issued if the inspector found and documented that there were no mitigating circumstances to issue an extension (e.g., the new mine operator was aware of the violation but chose not to abate the cited condition). The 104(b) order would be issued to "Tom Brown Crushing" noting in the Item 8 narrative that Tom Brown Crushing purchased the operation on July 7 and was the new mine operator.

XIV. VACATING CITATIONS/ORDERS

Vacated citations and orders must be included with the inspection report as they are part of the inspection record. If the inspector is still at the mine, he or she will not reclaim the pink and yellow copies and mark the citation or order "Void." Instead, those copies shall be left with the mine operator and the inspector shall issue a "Vacate" action on Form 7000-3a. The inspector shall state the specific reason for vacating the citation or order on that form. Copies of all vacated citations and orders shall be forwarded to the District Manager separate from the inspection report.

Vacating an imminent danger order must be authorized in writing by the appropriate District Manager. A copy of that approval shall be attached to the mine inspection report.

XV. VOIDING CITATIONS/ORDERS

A voided citation or order is one which was written on the Mine Citation/Order Form and an error was discovered before it was presented to the mine operator or contractor.

The inspector will mark "Void" on the original citation or order form and all copies. The circumstances which caused the voidance will be noted on all forms. These voided forms will not be included with the inspection report but will be kept with the citation book until it is completed. The inspector should attach the voided forms to the book cover and return it to the field office supervisor when the book is finished.

When using the IPAL system, a citation or order that is issued in error must be vacated or modified by using Form 7000-3a.

XVI. STANDARD SUBSECTIONS - CITATIONS/ORDERS

It is necessary to specify the standard <u>AND</u> the appropriate subsection when a violation is cited.

Examples: Citations for

Citations for failure to guard a piece of equipment should be issued under 56/57.14107(a) **and not** 56/57.14107; violations for failure to maintain an audible warning device on self-propelled equipment should be cited as 56/57.14132(a) **and not** 56/57.14132.

XVII. PART 41 - LEGAL IDENTITY

Each mine operator is required to file notification of legal identity and every change thereto on an MSHA Legal Identity Report Form 2000-7 with the appropriate MSHA office.

Inspectors will check for any change in the mine operator, mine name, company officers, parent company, and the address of record during every inspection. An updated Legal Identity Report Form must be submitted by the mine operator within 30 days if changes have occurred. When applicable, a citation will be issued to the mine operator when corporate, company, partnership, or any other changes have been made without MSHA being notified as required under 30 CFR Part 41.

The operator and the mine name on a Mine Citation/Order Form and Continuation Form must be the same as on the Legal Identity Report Form in effect at the time a citation or order is issued.

XVIII. PART 44 - PETITIONS FOR MODIFICATION

Title 30 CFR Part 44.4(c) reads in part: "... Orders granting petitions for modification may contain special terms and conditions to assure adequate protection to miners. The modification, together with any conditions, shall have the same effect as a mandatory standard."

During each regular inspection the inspector shall:

- review the mine bulletin board where all granted petitions, or a notice of their availability, are required to be posted under 30 CFR Part 44.9; and
- determine that a summary is posted; a copy of the full decision must be kept at the affected mine office and made available to the miners. This is in accordance with 30 CFR 44.5(b).
- observe and note the terms and conditions contained in the decision and order section of the granted petition.

When a violation of one or more of the conditions specified in the granted petitions is found, the inspector shall:

- cite the safety standard for which the petition for modification was granted;
- include the docket number of the granted petition for modification in Item 8 of the Mine Citation/Order Form;
- note the specific condition which was violated in the narrative of the Mine/Citation Order Form; and
- notify his (or her) supervisor after citing this violation.

This citation may initiate action to revoke the granted petition depending on the circumstances present at the time of issuance.

XIX. PART 49 - MINE RESCUE TEAMS

The availability of mine rescue teams for underground mining operations, the training of those teams, the status of mine rescue stations, and the mine operator's emergency notification plans shall be reviewed and documented during every regular inspection. Citations or orders may be issued as appropriate regarding compliance with Part 49.

XX. PART 50 - ACCIDENT, INJURY AND EMPLOYMENT REPORTING VIOLATIONS

An evaluation of mine operator compliance with reporting requirements under 30 CFR Part 50 shall be made during every regular inspection.

A single citation for each Part 50 audit or inspection shall be issued for failure to maintain records citing 30 CFR 50.40. Part 50 violations are always evaluated as "non-S&S"; however, they are often evaluated as high negligence.

Inspectors shall issue a citation for **each separate instance** of:

- failure to immediately notify MSHA of an accident (50.10);
- failure to investigate an accident or occupational injury (50.11);
- alteration of an accident site (50.12);
- failure to report an accident, injury, or illness (50.20); and
- failure to report quarterly employment (50.30).

Inspectors shall issue only one citation where mine operators have:

- failed to maintain quarterly employment or accident investigation reports (50.40); and
- failed to allow an MSHA representative to inspect and copy information related to accidents, injuries, or illnesses (50.41).

A separate citation shall also be issued for each instance of late reporting and for each instance of inaccurate reporting under 50.20 or 50.30.

XXI. POSSIBLE KNOWING/WILLFUL VIOLATION REVIEW FORM (7000-20)

- A. Inspectors will initiate a Possible Knowing/Willful Violation Review Form for:
 - 107(a) orders with 104(a) and 104(d) citations;
 - 107(a) orders with 104(d) orders;
 - 104(d) citations and orders which are "S&S" with an evaluation of at least "high" for negligence; and
 - citations issued for working in violation of an order.
- B. The District Office shall be sent a packet that includes:
 - 1. the original Possible Knowing/Willful Violation Review Form;
 - 2. a copy of the Legal Identity Report;
 - 3. a copy of the relevant general field notes;
 - 4. a copy of the citation/order notes;

- 5. appropriate photographs; a copy of the relevant citation(s) or order(s); and
- 6. a copy of all modifications.

(Each photograph should be identified by the citation or order number and affixed to a separate inspection field note. A short, descriptive, and legible narrative should be written under each photograph.)

This packet shall be mailed to the District Office in a timely manner following the date the citation(s) or order(s) was issued. Any exceptions to this policy shall be preapproved by the field office supervisor with concurrence from the District Office.

XXII. SPECIAL ASSESSMENT REVIEW FORM (7000-32)

After review of any citation or order, the District Manager has full discretion to recommend or not recommend a special assessment. If the District Manager determines that a special assessment is appropriate, a completed and signed Special Assessment Review Form (MSHA Form 7000-32) will be submitted to the Director of Assessments.

Those forms, on completion, will describe the facts and circumstances that warrant a special assessment. Copies of inspector notes, conference worksheets, sketches or photographs, relevant portions of plans, accident reports or memoranda, or any other information which may assist the Office of Assessments in determining an appropriate civil penalty should be included.

The Office of Assessments will review each recommendation for special assessment and will make the final decision, conferring with MSHA Safety and Health staff as necessary. Recommendations containing insufficient documentation to support a special assessment will be returned to the District Manager with a clear explanation of the deficiency.

The following categories of citations or orders will be reviewed by inspection personnel for special assessment.

1. All Citations and Orders Issued During an Investigation of a Fatality or Serious Injury

A special assessment review is mandatory for citations or orders that are determined to have caused or contributed to the cause of the fatality or serious injury.

2. Unwarrantable Failure to Comply with Mandatory Health or Safety Standards

A special assessment review is mandatory for all unwarrantable failure citations or orders.

3. Operation of a Mine in Violation of an Order of Withdrawal

A special assessment review is mandatory for all such citations.

4. Failure to Permit an Authorized Representative of the Secretary to Perform an Inspection or Investigation (Denial of Right of Entry)

A special assessment review is mandatory for all such citations or orders.

5. Citations or Orders for Which Individuals are Personally Liable Under Section 110(c) of the Mine Act

Special assessments are mandatory for all these citations or orders.

6. Imminent Danger

A special assessment review is mandatory for all contributing citations or orders.

7. Extraordinarily High Degree of Negligence OR Extraordinarily High Gravity OR Other Unique Aggravating Circumstances

Appendix A

Safety Violations

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U.S. Department of LaborMine Safety and Health Administration

Section I Violation Data	
1. Date Mo Da Yr 2. Time (24 Hr. Clock)	3. Citation/Order
0 7 0 1 0 1	
4. Served To	5. Operator
FRED BIRCH, OWNER	F. B. MINING COMPANY
6. Mine	7. Mine ID
F. B. MINE	5 6 - 0 9 9 9 9 - (contractor)
8. Condition or Practice	8a. Written Notice (103g)
Mr. Fred Birch, owner of the F. B. Mining Company, refused to allow	an authorized representative to enter the mine. Mr. Direk stated
that the MSHA inspector could not enter his mine to conduct any insp	
that a search warrant was not necessary and that refusal to allow the	
Section 103(a) of the Mine Act. This condition has not been designa	
a provision of the Mine Act rather than a mandatory safety or health	-
NOTE: Section I, Item 9B, is completed with 103(a)	
	See Continuation Form (MSHA Form 7000-3a)
0.15 5 1.11 11 1 1 1 1 1 1 1	See Continuation Form (WSFIA Form 7000-5a)
9. Violation A. Health B. Section B. Section	C. Part/Section of
Other of Act 1 0 3 - a	Title 30 CFR
Section II Inspector's Evaluation	THE GO OF IX
10. Gravity:	
A. Injury or Illness (has) (is): No Likelihood X Unlikely	Reasonably Likely Highly Likely Occurred
B. Injury or Illness could rea-	
sonably be expected to be: No Lost Workdays X Lost W	orkdays or Restricted Duty Permanently Disabling Fatal
C. Significant and Substantial (See Reverse): Yes No	X D. Number of Persons Affected 0 0 0
11. Negligence (check one)	
A. None B. Low C. Moderate	D. High X E. Reckless Disregard
	3. Type of Issuance (check one)
1 0 4 - a - , - -	Citation X Order Safeguard
14. Initial Action D. Writt	en E. Citation/ F. Dated Mo Da Yr
A. Citation B. Order C. Safeguard Notic	
	Number
15. Area or Equipment	
-	
16. Termination Due Mo Da Yr	
A. Date B. Time (24	
Section III Termination Action	0 8 3 0
17. Action to Terminate	
40 T :	
18. Terminated A. Date A. Date B. Time (24 Hr Clock)	
Section IV Automated System Data	
19. Type of Inspection 20. Event Number	21. Primary or Mill
(activity code) E 1 5 0 0 7 3 5	0 0
22. Signature	23. AR Number
JOHN SMITH	0 1 9 9 9
MSHA Form 7000-3 Mar 85 (Revised)	131,141,41

104(a) CITATION - DENIAL OF RIGHT OF ENTRY

U.S. Department of LaborMine Safety and Health Administration

Section I Violation Data	
1. Date Mo Da Yr 2. Time (24 Hr. Clock)	3. Citation/Order
0 7 0 1 0 1	Number 4 4 1 0 0 0 1
4. Served To	5. Operator
Joe Doe, Co-owner	Big Lick Coal Company
6. Mine	7. Mine ID
Big Lick No. 1	6 4 - 0 7 1 5 3 - (contractor)
8. Condition or Practice	8a. Written Notice (103g)
·	Jones, an authorized representative of the Secretary, entry into the Big Lick
	ursuant to Section 103(a) of the Act. Mr. Doe stated that the Federal Inspector
	warrant. Mr. Doe was advised that a search warrant was not necessary.
mandatory safety or health standard.	l" because the conduct violated a provision of the Mine Act rather than a
Thandatory safety of fleatin standard.	
	See Continuation Form (MSHA Form 7000-3a)
9. Violation A. Health	
Safety B. Section	C. Part/Section of
Other of Act 1 0 3 - a	Title 30 CFR
Section II Inspector's Evaluation	
10. Gravity:	B
A. Injury or Illness (has) (is): No Likelihood X Unlikely	Reasonably Likely Highly Likely Occurred
B. Injury or Illness could rea-	
sonably be expected to be: No Lost Workdays X Lost	Workdays or Restricted Duty Permanently Disabling Fatal
C. Significant and Substantial (See Reverse): Yes No	X D. Number of Persons Affected 0 0 0
11. Negligence (check one)	
A. None B. Low C. Moderate	D. High X E. Reckless Disregard
12. Type of Action	. Type of Issuance (check one)
1 0 4 - a - , , - -	Citation X Order Safeguard
14. Initial Action D. Writte	
A. Citation B. Order C. Safeguard Notice	e
15. Area or Equipment	
16. Termination Due	
0 7 0 1 0 1 Hr. Clock)	0 7 4 5
Section III Termination Action	
17. Action to Terminate	
18. Terminated Mo Da Yr	
18. Terminated Mo Da Yr A. Date B. Time (24 Hr Clock)	
Section IV Automated System Data	
Section IV Automated System Data 19. Type of Inspection 20. Event Number	21. Primary or Mill
(activity code) E 0 1 0 8 0 8 0	
22. Signature	23. AR Number
Paul Jones	2 9 3 2 0
MCHA Form 7000 2 Mar 95 (Pavisad)	

MSHA Form 7000-3 Mar 85 (Revised)

104(a) CITATION - DENIAL OF RIGHT OF ENTRY

U.S. Department of LaborMine Safety and Health Administration

Section I Violation Data	
1. Date Mo Da Yr 2. Time (24 Hr. Clock)	3. Citation/Order
070101	5 Number 4 4 1 0 1 6 2
4. Served To	5. Operator
FRED BIRCH, OWNER	F. B. MINING COMPANY
6. Mine	7. Mine ID
F. B. MINE	5 6 - 0 9 9 9 9 - (contractor)
8. Condition or Practice	8a. Written Notice (103g)
Mr. Fred Birch, owner and operator of the F. B. Mining Company, c	<u> </u>
right of entry into the F.B. Mine for the purpose of conducting an ins Section 103(a) of the Federal Mine Safety and Health Act of 1977.	spection of the mine in accordance with the requirements of
Section 103(a) of the Federal Mille Salety and Health Act of 1977.	
NOTE: Section I, Item 9B, is completed with 103(a). Items 10 and	11 are not completed. Item 15 is completed with the phrase "No Area Affected."
	Con Continuation Form (MCHA Form 7000 Co.)
	See Continuation Form (MSHA Form 7000-3a)
9. Violation A. Health	O. Bart/Ocation of
Safety	C. Part/Section of Title 30 CFR
Section II Inspector's Evaluation	Title 30 CFR
10. Gravity:	
A. Injury or Illness (has) (is): No Likelihood Unlikely	Reasonably Likely Highly Likely Occurred
B. Injury or Illness could rea-	
· · · —	st Workdays or Restricted Duty Permanently Disabling Fatal
C. Significant and Substantial (See Reverse): Yes No	D. Number of Persons Affected
11. Negligence (check one)	D. Number of Clouds Affected
A. None B. Low C. Modera	ate D. High E. Reckless Disregard
12. Type of Action	13. Type of Issuance (check one)
1 0 4 - b - , - -	Citation Order X Safeguard
AA Liffed Aurice	
14. Initial Action D. Wri A. Citation X B. Order C. Safeguard Not	
15. Area or Equipment	Number
15. Area or Equipment NO AREA AFFECTED	
NO / INC.// III E OTE B	
16. Termination Due Mo Da Yr	
A. Date B. Time (24	
Section III Termination Action	
17. Action to Terminate	
18. Terminated Mo Da Yr A. Date B. Time (24 Hr Clock)	
Section IV Automated System Data	
19. Type of Inspection 20. Event Number	21. Primary or Mill
(activity code) E 2 7 0 0 7 3	• • • • • • • • • • • • • • • • • • • •
22. Signature	23. AR Number
JOHN SMITH MSHA Form 7000-3 Mar 85 (Revised)	0 1 9 9 9
INIOLIA LOUIT 1000-3 INIALOS (INEVISEU)	

104(b) ORDER - DENIAL OF RIGHT OF ENTRY

U.S. Department of LaborMine Safety and Health Administration

Section I Violation Data	
1. Date Mo Da Yr 2. Time (24 Hr. Clock) 3. Citation/Ord	ler er
0 7 0 1 0 1 Number	4 4 1 0 0 0 2
4. Served To 5. Operator	
Joe Doe, Co-owner Big Lick Coal Company	
6. Mine 7. Mine ID 7.	
Big Lick No. 1 6 4 - 0 7 1 5 3 -	(contractor)
8. Condition or Practice 8a. W	/ritten Notice (103g)
Joe Doe, partner and mine foreman, continued to deny Paul Jones, an authorized representative of the Secretary, the	
No. 1 Mine for the purpose of conducting an inspection of the mine in accordance with the requirements of Section 1	03(a) of the Act.
See Continuation Form (MS	3HA Form 7000-3a)
9. Violation A. Health	
Safety B. Section C. Part/Section of	
Other of Act 1 0 3 - a Title 30 CFR . Section II Inspector's Evaluation .	<u> </u>
10. Gravity:	
A. Injury or Illness (has) (is): No Likelihood Unlikely Reasonably Likely Highly Likely	Occurred
B. Injury or Illness could rea-	
	ently Disabling Fatal
C. Significant and Substantial (See Reverse): Yes No D. Number of P	Persons Affected
11. Negligence (check one)	ersons Affected
	. Reckless Disregard
12. Type of Action] Coformand [
1	Safeguard
14. Initial Action D. Written E. Citation/	F. Dated Mo Da Yr
A. Citation X B. Order C. Safeguard Notice Order	
Number 4 4 1 0 0 0 1 1 15. Area or Equipment	0 7 0 1 0 1
No area affected.	
16. Termination Due Mo Da Yr	
A. Date B. Time (24	
Section III Termination Action	
17. Action to Terminate	
18. Terminated A. Date A. Date B. Time (24 Hr Clock)	
Section IV Automated System Data	
19. Type of Inspection 20. Event Number 21. Primary or Mill	<u> </u>
(activity code) E 0 1 0 8 0 8 0 8 0	
	AR Number
Paul Jones	2 9 3 2 0
MSHA Form 7000-3 Mar 85 (Revised)	- - - - -

104(b) ORDER - DENIAL OF RIGHT OF ENTRY

U.S. Department of Labor

Mine Safety and Health Administration

Section I Subsequent Action/Continu	uation Data										
1. Subsequent Action 1a. Continua	tion 2. Dated (Original Issue)	Mo	Da	Yr		Citation/Order Number					
4. Served To			5. Ope	erator							
John Smith, Assistant Foreman			Ja	and S	Coal Com	npany, Inc.					
6. Mine			7. Min	ne ID							
No. 1					4 4 -	0 3 5 3 6 -		(contra	ctor)		
Section II Justification for Action											
		1111		100101							
Purpose - This inspection was cond							niners at th	nis mine	allegin	g that	
dangerous loose coal, coal dust, ar	id iloat coal dust have ac	cumulated	u trirot	ugnou	tine 2 so	utri beit entry.					
Negative Findings -The entire 2 so	uth belt entry was examin	ed and a	ccumu	lations	s of loose	coal, coal dust or f	float coal c	lust were	e not fo	und.	
	•										
This example reflects that only one	hazard was involved in the	he 103(g)	(1) ins	spection	on. Howe	ever, in those instar	nces where	e two or	more h	azard	S
are alleged to exist in a request for						estigated must be a	ddressed	by issuir	ng		
a citation(s) or order(s) or provide a	written notification that t	he hazard	d did n	ot exis	st.						
							See C	Continua	tion Fo	rm	
Operior III Ophogoga Adria Talan											
Section III Subsequent Action Taken 8. Extended To Mo	Da Yr				ПП						
A. Date	B. Time (24	Hr. Clock))		C.	. Vacated	D. Termin	ated	E. N	/lodifie	ed
Section IV Inspection Data											
9. Type of Inspection E 0 3	10. Event Number 0	8 8 8	8 0	1							
11. Signature		AR Numbe	er 12.	. Date	Mo		ime (24 H	r. Clock)	l		
James Lee	2	0 7 7	7		0 7	2 3 0 1				1 (3 0

MSHA Form 7000-3a, Mar 85 (Revised)

103(g) INSPECTON - PURPOSE AND FINDINGS NOTICE OF NEGATIVE FINDINGS

U.S. Department of LaborMine Safety and Health Administration

Section I Violation Data	
1. Date Mo Da Yr 2. Time (24 Hr. Clock)	3. Citation/Order
0 7 0 2 0 1 1 3 4 5	Number 4 4 1 0 1 6 3
4. Served To	5. Operator
J.R. JOHNSON, SAFETY DIRECTOR	ABC MINING COMPANY
6. Mine	7. Mine ID
ABC MINE AND MILL	7 5 - 0 9 1 3 3 - (contractor)
8. Condition or Practice	8a. Written Notice (103g)
•	even miners are trapped behind a barricade erected on the No. 7 Gangway.
This entrapment was confirmed by the mine foreman in a telephone	
, , , , , , , , , , , , , , , , , , , ,	hibited from entering the mine with the exception of a 6-person rescue
team which must coordinate with the Fresh Air Base to determine if team must be at the Fresh Air Base while the other team is pursuing	
team must be at the Fresh All Base while the other team is pursuing	the rescue enort.
NOTE: The Gravity and Negligence Sections are not completed.	
	See Continuation Form (MSHA Form 7000-3a)
9. Violation A. Health	
Safety B. Section	C. Part/Section of
Other of Act	Title 30 CFR
Section II Inspector's Evaluation	
10. Gravity:	
A. Injury or Illness (has) (is): No Likelihood Unlikely	Reasonably Likely Highly Likely Occurred
B. Injury or Illness could rea-	
sonably be expected to be: No Lost Workdays Los	t Workdays or Restricted Duty Permanently Disabling Fatal
C. Significant and Substantial (See Reverse): Yes No	D. Number of Persons Affected
11. Negligence (check one)	B. Number of Fersons Affected
A. None B. Low C. Moderati	e D. High E. Reckless Disregard
	3. Type of Issuance (check one)
1 0 3 - j - , - -	Citation Order X Safeguard
14. Initial Action D. Writt	en E. Citation/ F. Dated Mo Da Yr
A. Citation B. Order C. Safeguard Notice	
	Number
15. Area or Equipment	
ENTIRE MINE	
16. Termination Due Mo Da Yr	
A. Date B. Time (24	
Hr. Clock)	
Section III Termination Action 17. Action to Terminate	
17. Action to Terminate	
18. Terminated Mo Da Yr	
A. Date B. Time (24 Hr Clock)	
Section IV Automated System Data	
19. Type of Inspection 20. Event Number	21. Primary or Mill
	[1 1]
22. Signature	23. AR Number
JOHN SMITH	0 1 9 9 9
MSHA Form 7000-3 Mar 85 (Revised)	

MSHA Form 7000-3 Mar 85 (Revised)

103 (j) ORDER - CONTROL OF RESCUE AND RECOVERY OPERATIONS

U.S. Department of LaborMine Safety and Health Administration

Section I Violation Data		
1. Date Mo Da Yr 2. Time (24 Hr. Clock)		3. Citation/Order
0 7 2 5 0 1	8 0 0	Number 4 4 1 0 0 0 6
4. Served To		5. Operator
John Smith, Assistant Foreman		J and S Coal Company, Inc.
6. Mine		7. Mine ID
No. 1		4 4 0 3 5 3 6 - (contractor)
8. Condition or Practice		8a. Written Notice (103g)
A mine fire has occurred outby the mouth of 2 south section.	Seven v	workers are behind a barricade erected about 1,000 feet outby the working
section. This was established before losing contact with the s	section for	foreman at approximately 3:18 a.m. Air samples collected at the main fan
show 35 ppm of carbon monoxide. The following persons are	e permitt	ted to remain in or to enter the mine. Three foremen with a 6-person work crew
for the fire area (2 south); and an 11-person investigating com	nmittee o	composed of representatives of the company, UMWA, State Department
of Mines, and MSHA.		
		See Continuation Form (MSHA Form 7000-3a)
9. Violation A. Health		
Safety B. Section		C. Part/Section of
Other of Act -		Title 30 CFR .
Section II Inspector's Evaluation 10. Gravity:		
A. Injury or Illness (has) (is): No Likelihood Unlikely	у	Reasonably Likely Highly Likely Occurred
B. Injury or Illness could rea-		
sonably be expected to be: No Lost Workdays	Lost	t Workdays or Restricted Duty Permanently Disabling Fatal
C. Significant and Substantial (See Reverse): Yes	No	D. Number of Persons Affected
11. Negligence (check one)		
A. None B. Low C. M	/loderate	D. High E. Reckless Disregard
12. Type of Action	13.	B. Type of Issuance (check one)
1 0 3 - j - , - -	-	Citation Order X Safeguard
14. Initial Action	D. Writte	en E. Citation/ F. Dated Mo Da Yr
A. Citation B. Order C. Safeguard	Notice	
15. Area or Equipment		
Entire Mine		
16. Termination Due Mo Da Yr A. Date B. Time (24	24	
Hr. Cloc	ck)	
Section III Termination Action		
17. Action to Terminate		
18. Terminated Mo Da Yr		
A. Date B. Time (24 Hr (Clock)	
	-	
Section IV Automated System Data		
19. Type of Inspection 20. Event Number		21. Primary or Mill
	8 8 8	0 8
22. Signature		23. AR Number
James Lee		2 0 7 7 7
MSHA Form 7000-3 Mar 85 (Revised)		

103 (j) ORDER - CONTROL OF RESCUE AND RECOVERY OPERATIONS

U.S. Department of LaborMine Safety and Health Administration

Section I Subsec	ubsequent Action/Continuation Data																										_				
1. Subsequent Acti	ion 1	a. Co	ontinua	tion	2. D	ated Original Iss	sue)		10 7	D:		Yr 0	1	Citation/Order Number									4	4	1	0 (0	0 6	3 -	0) 1
											\perp					<u></u>									┙	\bot	_		Ŧ	Ļ	L
4. Served To	_	_									Ope																				
John Smith, Ass	sistant F	oren	nan											oal (Com	pan	y, Ir	nc.	_		1		<u> </u>								
6. Mine										7. N	Mine	e ID																			
No. 1		• •												4 4	1 0	3	5	3 (6	-	-		((con	ıtra	acto	<u>r)</u>				
Section II Justific	ation to	r Act	on																												
Order No. 4410	ODE dat	od 7	25/01 i	c hor	oby n	nodified to	normi	t rob	ahil	litati	ion (of th	20.	2 00	uth	coct	ion	2000	ordi	ina	to th	0.00	.00	.d	201	n nl	<u></u>	date	nd 7	/25	
All items listed							periiii	t i Gi	iabii	ııaı	1011	OI ti	10 /	2 30	uiii s	SCCI	1011	acci	Jiui	iiig	to ti	e ag	-	u u	501	i pic	an	uaic	ui	20.	
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																						See	C	ontir	กมะ	atior	n F	orm			
																						-		J11111		ALIO1		01111			
Section III Subse			Mo		\/-	1																									
8. Extended To	A. Date		IVIO	Da		B. Time	(24 Hı	r. Cl	ock))					C.	Vac	cate	d			D. 1	erm	na	ted			E.	Mod	eific	d	Χ
Section IV Inspec	ection IV Inspection Data																														
9. Type of Inspection	on	E 0		10. E	vent	Number	0 8	3 8	8	8	0	8																			
		Ĺ						Ĺ	لًا																						
11. Signature								Nu			12.	Dat	te		Mo 	Di		Yr 		3. 1	Γime	(24	Hr.	Clo	ck	.)					
James Lee							2 (7	7	7				(8 (0	5	0	1									(0 9	0	0 (

MSHA Form 7000-3a, Mar 85 (Revised)

103(j) ORDER - MODIFICATION

U.S. Department of LaborMine Safety and Health Administration

1. Subsequent Action 1a. Continuation (Original Issue) 0 7 2 5 0 1 3. Citation/Order Number 4 4 1 0 0 0 6 - 0 2 4. Served To John Smith, Assistant Foreman J and S Coal Company, Inc. 6. Mine No. 1 Section II Justification for Action Ventilation has been restored to the No. 2 south section. An examination of the mine was made and samples of the mine atmosphere did not reveal the presence of carbon monoxide.
John Smith, Assistant Foreman J and S Coal Company, Inc. 6. Mine No. 1 Section II Justification for Action Ventilation has been restored to the No. 2 south section. An examination of the mine was made and samples of the mine atmosphere did not reveal
John Smith, Assistant Foreman J and S Coal Company, Inc. 6. Mine No. 1 Section II Justification for Action Ventilation has been restored to the No. 2 south section. An examination of the mine was made and samples of the mine atmosphere did not reveal
6. Mine No. 1 Section II Justification for Action Ventilation has been restored to the No. 2 south section. An examination of the mine was made and samples of the mine atmosphere did not reveal
No. 1 Section II Justification for Action Ventilation has been restored to the No. 2 south section. An examination of the mine was made and samples of the mine atmosphere did not reveal
Section II Justification for Action Ventilation has been restored to the No. 2 south section. An examination of the mine was made and samples of the mine atmosphere did not reveal
Ventilation has been restored to the No. 2 south section. An examination of the mine was made and samples of the mine atmosphere did not reveal
See Continuation Form
Section III Subsequent Action Taken
8. Extended To Mo Da Yr
A. Date A. Date B. Time (24 Hr. Clock) C. Vacated D. Terminated X E. Modified
Section IV Inspection Data
9. Type of Inspection 10. Event Number 1
11. Signature AR Number 12. Date Mo Da Yr 13. Time (24 Hr. Clock)
James Lee 2 0 7 7 7 0 8 0 5 0 1 0 9 0 0

MSHA Form 7000-3a, Mar 85 (Revised)

103(j) ORDER - TERMINATION

U.S. Department of LaborMine Safety and Health Administration

Section I Violation Data	
1. Date Mo Da Yr 2. Time (24 Hr. Clock)	3. Citation/Order
0 7 0 2 0 1	Number 4 4 1 0 1 6 4
4. Served To	5. Operator
JAMES JOHNSON, MINE SUPERINTENDENT	J.H. MINING COMPANY, INC.
6. Mine	7. Mine ID
JACKSON HOLE MINE	5 6 - 0 0 0 1 3 - (contractor)
8. Condition or Practice	8a. Written Notice (103g)
A fatal accident occurred at this operation on July 2, 2001, when two	
point area. This order is issued to assure the safety of all persons at	this operation. It prohibits all activity at the No. 4 draw point area
until MSHA has determined that it is safe to resume normal mining o	
from an authorized representative for all actions to recover and/or res	store operations to the affected area.
NOTE TO 12 II	
NOTE: The gravity and negligence sections are not completed nor	is a termination due date established.
	See Continuation Form (MSHA Form 7000-3a)
	See Continuation Form (MSHA Form 7000-3a)
9. Violation A. Health	C. Part/Castion of
Safety B. Section	C. Part/Section of
Other of Act	Title 30 CFR .
10. Gravity:	
A. Injury or Illness (has) (is): No Likelihood Unlikely	Reasonably Likely Highly Likely Occurred
B. Injury or Illness could rea-	
sonably be expected to be: No Lost Workdays Lost	t Workdays or Restricted Duty Permanently Disabling Fatal
C. Significant and Substantial (See Reverse): Yes No	D. Number of Persons Affected
11. Negligence (check one)	
A. None B. Low C. Moderate	D. High E. Reckless Disregard
12. Type of Action 13	B. Type of Issuance (check one)
1 0 3 - k - , , - - -	Citation Order X Safeguard
14. Initial Action D. Writt	en E. Citation/ F. Dated Mo Da Yr
A. Citation B. Order C. Safeguard Notice	
15. Area or Equipment	
NO. 4 DRAW POINT AREA	
16. Termination Due Mo Da Yr A. Date B. Time (24	
Section III Termination Action	
17. Action to Terminate	
18. Terminated Mo Da Yr A. Date B. Time (24 Hr Clock)	
Section IV Automated System Data	
	21. Primary or Mill
19. Type of Inspection 20. Event Number 20. 2. 5	
(activity code) E 0 6 0 0 7 3 5	· · · · · · · · · · · · · · · · · · ·
22. Signature	23. AR Number
JOHN SMITH	0 1 9 9 9
MSHA Form 7000-3 Mar 85 (Revised)	

103(k) ORDER - CONTROL AND CONSULTATION DURING RECOVERY OPERATIONS

U.S. Department of LaborMine Safety and Health Administration

Section I Subse	quent Ac	tion/C	ontinua	ion D	ata																				
1. Subsequent Ac	tion 1	a. Coi	ntinuatio	n 2	. Dated (Origina	al Issue)		ло 7	D 0		Yr 0	1		Citation Numb		r	4	4	1	0	1 6	6 4	-	0	1
4. Served To							-	!		Ope							<u> </u>				!_		! !		
JAMES JOHNS	SON, MI	NE SL	JPERIN [*]	TEND	ENT					J.H.	. MI	NIN	IG CON	//PANY, IN	NC.										
6. Mine									7. ا	Mine	e ID														
JACKSON HO												;	5 6 -	0 0 0	1 3	-		(coi	ntra	actor	r)				
Section II Justific	cation for	Actio	n																						
Order #441016	4 is term	inated	d. Cond	itions	that con	tributed to	o the	acc	cide	nt ha	ave	bee	en corre	ected and	normal i	mining o	per	atıoı	ns c	can	res	ume			
																									_
																			—						
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																									_
																									_
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																									_
																		Se	e C	onti	inua	ation	For	m	_
Section III Subse																									
8. Extended To	1		Mo [a											_				F	_					
	A. Date				B. T	ime (24 H	Hr. Cl	lock	()				C.	Vacated		D. Terr	mina	ated	[2	X	E. I	Mod	ified	Ĺ	
Section IV Inspe	ction Da	ta		<u> </u>	1 1																				
9. Type of Inspect			10	. Eve	nt Numbe	er																			_
	E	0	6			0	0 7	3	5	1	2														
11. Signature							R Nu	mh	Δr	12.	Dat	-Δ	Мо	Da Y	/r 13.	Time (2	л LI	· CI	OCI,	-		\top	П	1	_
i i. Oigilatule										12.	Dai				13.	· iiiic (24	-r 1 ()	. UI	JUK	,					
JOHN SMITH						0	1 9	9	9				0 7	0 3 0	1							0	8	1	5

MSHA Form 7000-3a, Mar 85 (Revised)

103(k) ORDER - TERMINATION

U.S. Department of LaborMine Safety and Health Administration

Section I '	√iolation	Data	а																													
1. Date	Мо	Da	Yr	2.	Tim	e (24	Hr. (Clock)													3.	Cita	ation	/Orc	der							
	0 8	1 0	0 1			•		,		0	8	0 0										Nu	mbe	r			4	4	1	olo	olo	7
4. Served T				<u> </u>									_)pe	rato	r																
John Sm		e For	eman	ı										•	nd S		al C	omr	anv	. In	C.											
6. Mine	1111, 111111	0101	omai										7. N			T	T	J	I	<u>,</u>	<u> </u>		- 1									
No. 1																4	4	_	0	3 !	5 3	6	-			(cc	ontra	ctor)	i			
8. Condition	or Prac	tice																					8	a. V	Vritte	en N						Τ
																													- 0,	_		
The mine	e has ex	perie	nced	a fat	al tra	ack h	aulag	e acci	ident	alo	ng tl	he 1	0 left	ha	ulwa	ay.	This	s Ord	der i	s is	sued	d to	ensı	ıre t	he s	afety	of a	iny				
person ir		•					_				_					_																
persons	selected	from	n com	pany	/ offi	cials,	state	officia	als, th	he r	nine	rs' re	epres	sent	tativ	e ar	nd o	ther	per	son	s wh	no a	re de	eme	ed b	у М	SHA	to				
have info	rmation	relev	/ant t	o the	inve	estiga	tion i	may er	nter c	or re	emai	n in	the a	affe	cted	are	ea.															
																		C		4:				/8.40	21.14	F	70	00.1	2-1			_
	T																	566	e Co	ntir	iuatii	on F	orm	(IVIC	oHA	For	m 70	00-3	sa)			<u> </u>
9. Violation				_											_	_																
	Safe	,	Ш		Secti													ctio														
Section II	Othe		Volue		of A	Ct										I ITIE	30	CFF	≺					•				Ш	L			<u> </u>
10. Gravity:	mspecii	01 S L	value	ation																												
A. Injury	or Illness	s (has	s) (is)	: N	o Lik	celiho	od		Un	like	ly 🗌	1	F	Reas	sona	ably	Like	ely			H	High	ly Li	kely				Оссі	urre	d		
B Iniu	ry or Illne	000.0	ould :	·02-																						1						
	ably be e				1	No Lo	st W	orkdav	vs l			Lost	Wo	rkda	avs (or R	estr	ricte	d Dı	ıtv		1	Perr	nane	ently	v Dis	ablin	ıa l	\neg	Fata	al	
		·							, _ [!					٠,٠ ٠					~-,	<u> </u>							٠ ـ				<u> </u>
C. Sign	ificant a	nd Su	ubsta	ntial	(See	Rev	erse)	: Y	es		١	Ю									D.	Nun	nber	of P	ers	ons A	Affec	ted		\perp		
11. Neglige	` -	ck or	ne)					_						-	_		_					,		_	_		_				_	
A. Non	е				B. Lo	wc				C. I	Mod	erate	9	L			[D. H	igh]		Е	. Re	eckle	ss D	isreç	gard	ı L		
12. Type of	Action											13	. Тур	oe c	of Iss	suar	nce	(che	ck o	one)											
		1	0 3	3 -	k -	-	,		-		-		Ci	tatio	on						(Orde	er	Χ		5	Safe	guar	d			
					\perp	Ш												_												_		
14. Initial Ad	_	٦.	0-4		_	_	0-4-		_		D. V		_	_			Citat								F. I	Date	d	M	0	Da	`	Ϋ́r
A. Cita	lion	Þ	. Ord	eı		U	Sale	guard	Ш		IN	lotic	e _				orde Ium															
15. Area or																																
Entire 10	left trac	k ha	ulway	and	equ	ipme	nt inv	olved	in the	e a	ccide	ent.																				
40 T	D			1 84		D. 1	17						1 1			-																
16. Termina	tion Due		Date	M	0	Da	Yr	В	. Tim	ne (:	24																					
		,								٠,	ock)																					
Section III			Actio	n												-!																
17. Action to																																
The 10 le												hau	lage	aco	cide	nt h	as b	een	exa	amir	ned a	and	it ha	s be	en	deter	mine	d th	at it	is		
safe to re		orma						e affec	cted a	area	a .		П	-		1																
18. Termina		\ Do		Mo No	Da 11	Yı 0 0		B. Tim	~ (D.4	LLI	Cla	(اد)	4	۵	0 0																	
		A. Da	ie (0	' '		' '). I IIIII	e (24	+ 1711	CIO	CK)		٩	9	1																
Section IV -	- Automa	ated	Syste	m D	ata										!																	
19. Type of			İ			Ever	nt Nu	mber							21.	Prir	mar	y or	Mill													
	ity code)		E) 6					0	8	8	8 8	1	1				-														
22. Signatur		,		· ~					10	J	<u>~ `</u>	<u>ي</u> 0	1.1	•										23	AR	Num	her	\neg	$\neg r$	\neg		T
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James L	ee - 7000 0		05 /5	.	!\																								2	0	/ /	7

MSHA Form 7000-3 Mar 85 (Revised)

103(k) ORDER - TERMINATION

U.S. Department of LaborMine Safety and Health Administration

Section I Violation Data	
1. Date Mo Da Yr 2. Time (24 Hr. Clock)	3. Citation/Order
0 7 0 6 0 1	Number 4 4 1 0 1 6 8
	5. Operator
SAMUEL ADAMS, LEVEL FOREMAN	ABLE MINING, INC.
·	7. Mine ID
THE DOUBLE M MINE	5 7 - 0 6 7 8 9 - (contractor)
8. Condition or Practice	8a. Written Notice (103g)
- Condition of Fraction	cai millen recise (1889)
Signs warning against smoking and open flames were not posted in th	e underground shop where flammable solvents were being used. The Safety
Director stated that signs had been posted a few days ago. Employee	<u> </u>
flammable liquids. Several large multi-purpose fire extinguishers were	
	See Continuation Form (MSHA Form 7000-3a)
9. Violation A. Health	
Safety B. Section	C. Part/Section of
Other of Act -	Title 30 CFR 5 7 . 4 1 0 1
Section II Inspector's Evaluation	
10. Gravity: A. Injury or Illness (has) (is): No Likelihood Unlikely X	Reasonably Likely Highly Likely Occurred
	Reasonably Likely Occurred
B. Injury or Illness could rea-	Modelan on Brooking I Barry De Brooking III Brooking District Dist
sonably be expected to be: No Lost Workdays X Lost	Workdays or Restricted Duty Permanently Disabling Fatal
C. Significant and Substantial (See Reverse): Yes No	X D. Number of Persons Affected 0 0 5
11. Negligence (check one)	
A. None B. Low C. Moderate	X D. High E. Reckless Disregard
12. Type of Action 13.	Type of Issuance (check one)
1 0 4 - a - , - -	Citation X Order Safeguard
	onation M ones are
14. Initial Action D. Writte	n E. Citation/
A. Citation B. Order C. Safeguard Notice	U Order
15. Area or Equipment	Number
16. Termination Due Mo Da Yr	
A. Date B. Time (24 0 7 0 6 0 1 Hr. Clock)	1 6 0 0
Section III Termination Action	
17. Action to Terminate	
TWO "NO SMOKING" SIGNS WERE POSTED IN APPROPRIATE AF	REAS OF THE SHOP.
18. Terminated Mo Da Yr	
A. Date B. Time (24 Hr Clock)	1 5 3 5
Section IV Automated System Data	
19. Type of Inspection 20. Event Number	21. Primary or Mill
(activity code) E 0 1 0 3 4 5 6	
22. Signature	23. AR Number
· ·	
BILL WILLIAMS	0 2 5 5 5
MSHA Form 7000-3 Mar 85 (Revised)	

MSHA Form 7000-3 Mar 85 (Revised)

104(a) CITATION - "NON-S&S" FAILURE TO POST WARNING SIGNS

U.S. Department of LaborMine Safety and Health Administration

Section I Violation Data			
1. Date Mo Da Yr 2. Time (24 Hr. Clock)			3. Citation/Order
0 7 2 0 0 1	0	8 4	5 Number 4 4 1 0 0 0 3
4. Served To		1 1	5. Operator
John Smith, Assistant Foreman			J and S Coal Company, Inc.
6. Mine			7. Mine ID
No. 1			4 4 - 0 3 5 3 6 - (contractor)
8. Condition or Practice			8a. Written Notice (103g)
			<u> </u>
			ed bushings where they entered a power control switchbox on the Labour water
	e resti	ng ag	ainst the metal frame of the switchbox, and there was no apparent damage to the
insulation.			
(The wrong section number has been used on purpose	in this	c ovar	nolo. Soo Evamplo 5 for modification)
(The wrong section humber has been used on purpose	III UIII	S Exai	npie. See Example 3 for modification.)
			See Continuation Form (MSHA Form 7000-3a)
9. Violation A. Health			
Safety B. Section			C. Part/Section of
Other of Act Section II Inspector's Evaluation	- _		Title 30 CFR 7 5 . 5 1 4
10. Gravity:			
A. Injury or Illness (has) (is): No Likelihood	Jnlikel	yX	Reasonably Likely Highly Likely Occurred
B. Injury or Illness could rea-			
sonably be expected to be: No Lost Workdays	П	Lo	ost Workdays or Restricted Duty X Permanently Disabling Fatal
C. Significant and Substantial (See Reverse): Yes		No	X D. Number of Persons Affected 0 0 1
11. Negligence (check one)		140	D. Number of Fersons Affected 0 0 1
A. None B. Low	C. N	Moder	ate X D. High E. Reckless Disregard
12. Type of Action			13. Type of Issuance (check one)
1 0 4 - a - ,	-	-	Citation X Order Safeguard
14. Initial Action		D. Wr	itten E. Citation/ F. Dated Mo Da Yr
A. Citation B. Order C. Safeguard	٦ .	Not	tice
15. Area or Equipment			Number
10. Area of Equipment			
16. Termination Due Mo Da Yr			
	ime (2 Ir. Clo		0 8 0 0
Section III Termination Action	II. CIO	JCK)	
17. Action to Terminate			
18. Terminated Mo Da Yr			
18. Terminated A. Date Mo Da Yr B. Time (24 Hr	Clock	
Section IV Automated System Data			
19. Type of Inspection 20. Event Number			21. Primary or Mill
(activity code) E 0 1	8 0	8 8	8 0 0
22. Signature			23. AR Number
James Lee			2 0 7 7 7
MSHA Form 7000-3 Mar 85 (Revised)			

104(a) CITATION - "NON-S&S"

U.S. Department of LaborMine Safety and Health Administration

Section I Subsequent Action/Continuation	Data																	
1. Subsequent Action 1a. Continuation	2. Dated (Original Issue)	М О		Da 2 0	0 0			Citation Numbe		4	4	1	0	0	0 3	3 -	- 0	1
4. Served To			5.	. Op	erat	or											-	
John Smith, Assistant Foreman				Ja	and	S C	oal Com	pany, Inc.										
6. Mine			7.	. Mir	ne II)												
No. 1							4 4 -	0 3 5	3 6 -		(cc	ontr	acto	or)				
Section II Justification for Action																		
The energized power wires entering a p	ower control switchbox	on t	the L	.abo	ur w	/ate	r pump a	at the north	east pumping	stat	ion	hav	/e n	ot k	een	1		
provided with insulated bushings. A pov	ver failure resulted in t	he m	ine b	bein	g idl	e. ·	Therefore	e, additiona	Il time has be	en r	equ	este	ed a	and	grar	nted	i.	
														—				
												_		_				
									s	ee (Con	tinu	atio	n F	orm			
Section III Subsequent Action Taken																		
8. Extended To A. Date Mo Da O 7 2 2	Yr B. Time (24 Hr	. Clo	ck)		0	8	0 0 C.	Vacated	D. Ter	rmin	ated	d		E.	Мо	difie	ed	
Section IV Inspection Data																		
9. Type of Inspection E 0 1 10. E	vent Number 0 8	8	8 8	3 0	0													
11. Signature	AR	Nun	nber	12	2. Da	ate	Мо	Da Yr	13. Time (2	24 H	r. C	locl	k)					T
James Lee	2 0	7	7 7	7			0 7	2 1 0	1						(0 8	3	3 0

MSHA Form 7000-3a, Mar 85 (Revised)

104(a) CITATION - EXTENSION

U.S. Department of LaborMine Safety and Health Administration

Section I Subse	quent A	ction/	Conti	nuatio	n Dat	a																					
1. Subsequent Ac	tion 1	a. Co	ntinu	ation		Dated (Original Iss	sue)		10 7	D:		Yr) 1			3. Citat		der	4	<u> </u>	1	1 (0 0	э c	3	-	0	2
4. Served To									_	5. (Opera	ator	1									-	-		1 1	!	
John Smith, As	sistant I	oren	nan								J and	2 t	Coal	Com	npany, In	C.											
6. Mine										7. N	Mine	ID															
No. 1													4	4 -	0 3	5 3 6	S -		(1	con	ntra	ctor	r)				
Section II Justific	cation fo	r Acti	on																								
The power wire	es were	enter	ed thi	rough	insula	ated bushin	igs into	the	po	wer	cont	rol :	switc	hes o	on the La	abour w	ater pur	np									
at the northeas	t pumpii	ng sta	ition.																								
																			_		_						
																			_		_						
•																			—		—						
																			_								_
																			_		_						_
•																			_		_						_
																			_		_						_
																			_								_
																			_		_						
																		See	С	onti	inu:	atio	n Fo	orm		Ī	
Section III Subse	nauont A	ction	Take	nn.																						-	
8. Extended To				Da	Yr							T							_		_						_
o. zatoriada 10	A. Date				ΙÏ	B. Time	(24 Hr	r. Clo	ock)				C.	Vacated	ı [D. Te	ermir	nat	ed)	X	E. 1	Modi	ified	Ī	_
							`										_1									L	
Section IV Inspe	ection Da	ata				•								•													
9. Type of Inspect	ion	- _		10. E	Event	Number																					
	ŀ	∃ 0	1				10 8	9 8	8	8	0 0	'															
11. Signature							ΔP	Nu	mh	or .	12. C)ate	. 1	Мо	Da	Yr 1:	3. Time	(24 ⊦		Cir	nck'	<u> </u>		Т	П	- [
Oignaturo											٠ ـ	alu		1				(- + 1	•••	J10		,					
James Lee							2 0	7	7	7				0 7	2 3	0 1								0	8	0	0

MSHA Form 7000-3a, Mar 85 (Revised)

104(a) CITATION - TERMINATION

U.S. Department of LaborMine Safety and Health Administration

Section I Subseque	ent Action/Continuation	n Data															
1. Subsequent Action	n 1a. Continuation	2. Dated (Original Issue)	Mo 0 7			Yr 0 1		Citation/Order Number	4	4	1	0	0	0	3	- (0 3
4. Served To				5. (Оре	rator					_		_				
John Smith, Assis	stant Foreman				J ar	nd S	Coal Con	npany, Inc.									
6. Mine					Mine												
No. 1							4 4 -	0 3 5 3 6 -		(co	ntr	acto	or)				
Section II Justificat	ion for Action									(,				
Citation No. 4410	003, issued for a violat	tion of 30 CFR 75.514	is mod	dified	l ni b	tem	9 C to sh	ow the correct section num	nbe	r 30) CI	FR 7	75.	515.			
(Modification to co	orrect wrongly cited se	ction number of the re	gulatio	ons.)													
											_		_				
-											—		—		—		
									_								
											_		_				
											_		_				
											_		_				
								S	ee	Cor	ntin	uati	ion	For	m	L	
Section III Subsequ	uent Action Taken																
8. Extended To	Mo Da	Yr															
A	. Date	B. Time (24 Hr	. Cloc	k)			С	. Vacated D. Terr	nina	atec	t		Е	. Mo	difi	ed	Χ
							$\bot \bot \bot$										
Section IV Inspection 9. Type of Inspection		vant Number	т т														
9. Type of inspection	E 0 1	vent Number 0 8	8 8	8 8	0	0											
11. Signature		AR	Numb	oer	12.	Date	Mo	Da Yr 13. Time (24	1 H	r. C	loc	k)		\neg	Т		T
												,					
James Lee		2 0	7 7	7 7			0 7	2 3 0 1						L	1	0	0 0

MSHA Form 7000-3a, Mar 85 (Revised)

104(a) CITATION - MODIFICATION

U.S. Department of LaborMine Safety and Health Administration

Section I Violation Data	
1. Date Mo Da Yr 2. Time (24 Hr. Clock)	3. Citation/Order
0 7 0 6 0 1	Number 4 4 1 0 1 6 7
4. Served To	5. Operator
SAMUEL ADAMS, LEVEL FOREMAN	MUDDY MINING, INC.
6. Mine	7. Mine ID
THE DOUBLE M MINE	5 7 - 0 6 7 8 9 - (contractor)
8. Condition or Practice	8a. Written Notice (103g)
A written record of workplace examinations was not available for review	ew by MSHA. Examinations had been conducted every shift of
each working place and appropriate action had been taken to correct	hazardous conditions. However, the operator had failed to
record those examinations.	
NOTE: Do not issue this citation in conjunction with, or in addition to,	a citation for failing to conduct the workplace examination required
under 56/57.18002(a).	
-	
	See Continuation Form (MSHA Form 7000-3a)
9. Violation A. Health	
Safety B. Section	C. Part/Section of
Other of Act -	Title 30 CFR 5 7 . 1 8 0 0 2 b
Section II Inspector's Evaluation	
10. Gravity:	
A. Injury or Illness (has) (is): No Likelihood X Unlikely	Reasonably Likely Highly Likely Occurred
B. Injury or Illness could rea-	
sonably be expected to be: No Lost Workdays X Lost	Workdays or Restricted Duty Permanently Disabling Fatal
C. Significant and Substantial (See Reverse): Yes No	X D. Number of Persons Affected 0 0 0
11. Negligence (check one)	
A. None B. Low C. Moderate	E. Reckless Disregard
12. Type of Action 13	. Type of Issuance (check one)
1 0 4 - a - , , - -	Citation X Order Safeguard
14. Initial Action D. Writte A. Citation B. Order C. Safeguard Notice	
A. Citation B. Order C. Safeguard Notice	e
15. Area or Equipment	
16. Termination Due Mo Da Yr	
A. Date B. Time (24	
0 7 0 6 0 1 Hr. Clock)	1 6 0 0
Section III Termination Action 17. Action to Terminate	
A RECORD OF EXAMINATIONS WAS NOW BEING KEPT AND WA	S AVAILABLE FOR REVIEW BY MSHA.
18. Terminated Mo Da Yr	
A. Date B. Time (24 Hr Clock)	
Section IV Automated System Data	1 5 3 5
19. Type of Inspection 20. Event Number	21. Primary or Mill
(activity code) E 0 1 0 3 4 5 6	
22. Signature	23. AR Number
BILL WILLIAMS	0 2 5 5 5
MSHA Form 7000-3 Mar 85 (Revised)	

MSHA Form 7000-3 Mar 85 (Revised)

104(a) CITATION - NON-"S&S" - FAILURE TO RECORD WORKPLACE EXAMINATIONS

U.S. Department of LaborMine Safety and Health Administration

Section I \	√iolatior	n Data	l																				
1. Date	Мо	Da	Yr	2. Tir	me (24	Hr. CI	ock)									3. Cit	tation/0	Order					
	0 7	0 8	0 1		•		,	0	8 0	0						Nι	ımber			4 4	1 0	1	7 0
4. Served To	0									•	5. Op	erator											
LEFTY J	ONES,	SAFE	TY DI	RECTO	ЭR						W	HEAT	MININ	G CON	ЛРАN	Υ							
6. Mine											7. Mir	ne ID											
WMC MI	NE ANI	O MIL	L										5 6	- 0	0 3	3 3	-		(cont	ractor	.)		
8. Condition	or Prac	ctice															8a	. Writte	n Noti	ce (1	03g)		
The cab															•								
The load																							
Other tra									. The	e wir	ndshie	ld crac	cks exte	end two	o feet	vertica	ally by	wo fee	t horiz	ontall	y, with	1	
numerou	is small	er cra	cks ra	gnitalt	from th	ne larg	er crac	ks.															
	inman	+- 000	Coto	roillor f	front o	ممالمم	Jar #10		rial Ni	umb	or 22/	EG7											
	uipmen	11. 900	Cale	гріпаг і	ront-er	10 10 80	Jei, # it	J, Sei	nai ivi	umb	ei 234	.007											
														See C	ontini	uation	Form (MSHA	Form	7000-	3a)		
9. Violation	A. Hea	lth	1			1 1	<u> </u>			1											П		\pm
J. Violation	Saf			B. Sec	ction							C. I	Part/Se	ction o	of								
	Oth			of A				-					itle 30				5 6	. 1	4 1	0 3	b		
Section II	Inspect	or's E	valuat	ion		- 1 - 1				<u> </u>							1 1						
10. Gravity: A. Injury of	or Illnes	s (has	s) (is):	No L	ikeliho	od		Jnlike	ely X	7	Re	asona	bly Like	ely		Higl	hly Like	ely		Occ	curred	П	
	ry or Illn	•	, , ,			L							,	<i>,</i> —				, П					
,	ably be				No Lo	st Wo	rkdays] ι	Lost	Work	days o	r Restr	icted D	Outy		Perma	anently	Disab	ling	ΧF	atal	
C. Sign	ificant a	ınd Su	ıbstan	tial (Se	e Reve	erse):	Yes		N	0	X					D. Nur	mber o	f Perso	ns Aff	ected		0	0 1
11. Negliger																							
A. Non	e È		,	B. I	Low			C.	Mode	erate	:	X). High	ı			E. Re	ckless	Disre	gard		
12. Type of	Action				\top					13	Type	of lee	uance	(chack	one)								
12. Type of	Action	1	0 4	- a	-	,		-	-	13	Cita			X	. One,	Ord	er		Sa	fegua	rd		
14. Initial Ac	tion			—Ш				Ш	D. W	/ritte			E. Citati	an/		1 1		ГГ	ated		/lo [Da	Yr
A. Cita	_	В	. Orde	r	C. 8	Safegu	ard			otice	_	1 '	Orde	r				F. L	aleu	I N)a 	ï
15. Area or	Fauinm	ent											Numi	per									
13. Alea oi	Lquipini	CIII																					
16. Termina	tion Du	-		Мо	Da	Yr																	
		Α.	Date					ime (ء ا ا												
Section III	Termin	ation	Action		2 2	0 1		dr. Cl	ock)		1 6	0 0											
17. Action to			7101101																				
18. Termina		A. Dat		lo Da	a Yr		Time (24 Hı	r Cloc	ck)													
Section IV -	- Autom	ated S	Systen	n Data									<u> </u>										
19. Type of		1			0. Ever	nt Num	ber					21.	Primary	or Mi	ll								
	ity code		E 0					ارام	5 6	7	8 9												
22. Signatur	•)	LIU					U 4	J J C	<i>,</i> <i>(</i>	ပြ	1					2	3. AR N	dumbo	or.		П	$\neg \neg$
ŭ																	2	o. AIN I	*uiiiD6	, 1			
PAULA F			05 (5																		0 3	1	1 1
MSHA Form	1 7000-3	3 Mar	85 (Re	∍vised)																			

104(a) CITATION - "NON-S&S" CRACKED WINDSHIELD

U.S. Department of LaborMine Safety and Health Administration

Section I Subsec	quent Ac	tion/Co	ntinuatio	n Dat	а																										
1. Subsequent Act	tion 1a	a. Cont	tinuation		Dated (Original Iss	sue)		ио 7	D 0	a 8	Yr 0				3.		atior nbe		rde	r		4		l 1) 1	1 7	7 C) -	0) 1
4. Served To							!	<u> </u>	5. (Орє	erat	or										1	<u> </u>						<u> </u>	<u> </u>	
LEFTY JONES	S, SAFET	Y DIR	ECTOR							-			MINI	NG	COI	MPA	NY														
6. Mine									7. I	Min	e IC)																			
WMC MINE AN	ID MILL												5	6 -	0	0	3	3	3	-			(0	cont	trac	ctor	<i>:</i>)				
Section II Justific	cation for	Action																													
					14 11					_	<u> </u>												_	_						_	
The loader was																												_	acec	<u></u>	
cited standard.									_															_	•						
negligence.	11 1110 04	orator	4000 110		pry, wier is t	•••••	7011010	201 1	1110	aotii	0110		50 0	<u> </u>	avai	ou c	,0110	·uo	. 00	11011	tutii	·9 ··	101	0	iai	1 01	unn	ui y			
																									_						
																									_						
																									_	_	_				
																									_						
•																											_				
																						See	С	onti	inu	atic	n F	orm	า		 7
Section III Subse	equent A	ction T	aken																						_						
8. Extended To			Mo Da	Yr																											
	A. Date				B. Time	(24 F	Hr. Cl	lock	()					С	. Va	cate	d			D.	Ter	min	ate	ed	Х	(E. I	Mod	lifie	d	
Section IV Inspe		ta												•																	
9. Type of Inspecti	ion E	1 5	_	Event	Number	0	3 5	7	9	1	0																				
11. Signature		<u> </u>				A	R Nu	ımbe	er	12.	Da	te		Mo	D	a I	Yr	1	13.	Tim	e (2	4 H	lr. (Clo	ck)			\top			T
JOHN SMITH						0	1 9	9	9					0 7	7 1	8	0	1										C	8 (3	0

MSHA Form 7000-3a, Mar 85 (Revised)

104(a) CITATION - TERMINATION EQUIPMENT REMOVED FROM SERVICE

U.S. Department of LaborMine Safety and Health Administration

Section I Violation Data
1. Date Mo Da Yr 2. Time (24 Hr. Clock) 3. Citation/Order
0 7 1 1 0 1 0 8 0 0 Number 4 4 1 0 1 7 6
4. Served To 5. Operator
JANE SMITHSON, OWNER BEDROCK MINING CORPORATION
6. Mine
BEDROCK MINE 5 6 - 0 7 8 9 1 - (contractor)
8. Condition or Practice 8a. Written Notice (103g)
The notice of pattern of violations dated June 13, 2001, was not posted on the mine bulletin board. The board was removed for repairs on
June 16, 2001, and all documents on the board were relocated to the mine office. The board was repaired on June 26, but the documents
were not reposted. This condition has not been designated as "significant and substantial" because the conduct violated a provision of
the Mine Act rather than a mandatory safety or health standard.
NOTE: Section I, Item 9B, is completed with 109(a).
See Continuation Form (MSHA Form 7000-3a)
9. Violation A. Health
Safety B. Section C. Part/Section of
Other of Act 1 0 9 - a Title 30 CFR
Section II Inspector's Evaluation 10. Gravity:
A. Injury or Illness (has) (is): No Likelihood X Unlikely Reasonably Likely Highly Likely Occurred
B. Injury or Illness could reasonably be expected to be: No Lost Workdays X Lost Workdays or Restricted Duty Permanently Disabling Fatal
C. Significant and Substantial (See Reverse): Yes No X D. Number of Persons Affected 0 0 0
11. Negligence (check one)
A. None B. Low C. Moderate X D. High E. Reckless Disregard
12. Type of Action 13. Type of Issuance (check one)
1 0 4 - a - , - - Citation X Order Safeguard
14. Initial Action D. Written E. Citation F. Dated Mo Da Yr
A. Citation B. Order C. Safeguard Notice Order Number
15. Area or Equipment
16. Termination Due Mo Da Yr
A. Date
Section III Termination Action
17. Action to Terminate
THE NOTICE WAS REPOSTED ON THE MINE BULLETIN BOARD.
18. Terminated Mo Da Yr
A. Date 0 7 1 1 0 1 B. Tille (24 Till Glock) 1 4 5 0
Section IV Automated System Data
19. Type of Inspection 20. Event Number 21. Primary or Mill
(activity code) E 0 1 0 9 8 7 6 5 4
22. Signature 23. AR Number
JOHN SMITH 0 1 9 9 9

MSHA Form 7000-3 Mar 85 (Revised)

104(a) CITATION - "NON-S&S" - NOT POSTING THE NOTICE OF PATTERN OF VIOLATIONS

U.S. Department of LaborMine Safety and Health Administration

Section I Violation Da	ta															
1. Date Mo Da	Yr	2. Time (24 Hr. Clock)						3. Ci	tation/	'Order						
0 7 0	3 0 1		0	8 0				Nι	ımber			4	4 1	0	1 6	5
4. Served To					5. Operator											
RICHARD MORE					CB ENT	ERPRISI	ES									
6. Mine					7. Mine ID											
CRUSHED AND BR	OKEN I	MINE				5 6 -	- 0 3	1 1 2	-		(cc	ontrac	tor)			
8. Condition or Practice									88	a. Writ	ten N	otice	(103	g)		
<u>, </u>																
The self-cleaning ta	il pulley	of the No. 2 conveyor belt	was n	ot gua	rded. The co	nveyor wa	as not ope	erating a	at the	time o	f the i	nspe	ction			
but had operated the	aday be	efore. The guard was lying	on the	grour	nd. Several fe	et of dust	t had accı	umulate	d arou	and the	e guai	rd ind	icatin	g tha	at	
it had not been in pla	ace for a	an extended period of time.	Emp	loyees	were required	to work	in this are	ea wher	the c	onvey	or wa	s ope	ratino	j .		
The unguarded conv	eyor ta	il pulley was within two feet	of an	active	workplace an	d was vis	sible to an	yone in	the a	rea. N	1iners	woul	d be			
seriously injured if th	ey cam	e in contact with the ungua	rded p	oulley.												
						S	See Contir	nuation	Form	(MSH	A For	n 700)0-3a)		
9. Violation A. Health																T
Safety		B. Section			C.	Part/Sect	tion of								.	
Other		of Act	-		-	Title 30 C	FR		5 6	6 . 1	4	1 1	2 b)	.	
Section II Inspector's	Evaluat	tion														
10. Gravity:				_	_		1771			. —	_	_		. 1		
A. Injury or Illness (ha	as) (is):	No Likelihood	Jnlikel	у	Reasona	bly Likely	y X	Hig	hly Lik	cely	_	C	Occuri	red		
B. Injury or Illness	could re	ea-														
sonably be expe	ected to	be: No Lost Workdays		Lo	st Workdays o	or Restric	ted Duty		Perm	nanent	ly Dis	ablino	j X	Fa	ital	
C. Significant and S	Substan	tial (See Reverse): Yes	X	No				D. Nui	mher (of Par	eone /	Affect			0 (1 1
11. Negligence (check		tiai (See Neverse).		110				D. Nui	TIDE! (or r er	30113 7	THEOL	<u> </u>		0 0	<u> </u>
A. None	Jile)	B. Low	C N	Modera	ate X	D	High			FR	eckle	ss Di	srena	rd	\neg	
			1 1					Ш			.001110			٠, ۲	ᆂ	
12. Type of Action				1	Type of Iss)		_				_		
'	1 0 4	- a - ,	-	- 1	Citation	X		Ord	er	Щ	5	Safeg	uard			
1.4 Initial Action				D 14/ri	tton	Citation	_			ТЕ	Doto	4	Ma	Тъ	$\overline{}$	V-
14. Initial Action A. Citation	B. Orde	r C. Safeguard	╗ '	D. Wri Noti		E. Citation Order	1			Г.	Date	۱ ا	Mo	D	а	Yr I
71. Ollation	D. Oldo	o. oalogualu		1400		Numbe	er								.	
15. Area or Equipment					•											
40 Tarriagia Dari		I M. I D. I V. I				1										
16. Termination Due	. Date	Mo Da Yr I I I B T	ime (2	24												
	. Date		Hr. Clo		1 2 0 0)										
Section III Terminatio	n Action		11. 010	, orty	11,2,0,0	<u> </u>										
17. Action to Terminate																
THE GUARD WAS I	REINST	ALLED ON THE TAIL PUL	LEY.													
						1										
18. Terminated A. D		10 Da Yr 	24 Hr	Clock)	1 3 3 0											
Section IV Automated	Syster	n Data				•										
19. Type of Inspection		20. Event Number			21.	Primary of	or Mill									
(activity code)	E 0	1	0 0	8 9	6 6 9											
22. Signature		1 1		171	1-1-1				- :	23. AR	Num	ber	$\neg \vdash$	П	\top	Т
· ·									•						ر ایی	
JANE JONES	- OF /D	:l\												2	1 3	6

MSHA Form 7000-3 Mar 85 (Revised)

104(a) CITATION - "S&S" - FAILURE TO REPLACE GUARD

U.S. Department of LaborMine Safety and Health Administration

Section I V	iolation l	Data																					
1. Date	Mo [Da	Yr	2. Tir	ne (24	Hr. C	lock)									3. C	tation/	Order					
	0 7 0	3	0 1		`		,	1	1	0 0						N	umber			4 4	1 0	1	6 6
4. Served To)										5. Op	erato	•										
RICHARD	MORE										С	B ENT	ERPR	ISES									
6. Mine											7. Mi	ne ID											
CRUSHE			(EN I	/INE									5 6	6 - 0	3 1	1 2			,	tracto			
8. Condition	or Practi	ce															88	. Writte	en Not	ice (1	03g)		
A compete																							
which cou																•							
machinery		-					•	oair b	roke	n eme	ergeno	cy stop	cords	on co	nveyo	rs, and	one c	tation i	ssued	tor			
failure to r	replace e	electr	icai m	lotor ju	nction	DOX C	overs.																
NOTE: D	Do not is:	SUE 2	seco	nd cits	ation fo	or failir	na to re	cord	the e	exami	nation	[56/5	7 1800)2(h)1 i	a cita	tion is	issued	as in t	this ca	SE			
	or failing						.9 10 10	00.4		<i>-</i>		. [00/0		-(~)]	u 0.1.u		.0000	, 40					
	<u> </u>																						
														See	Contin	uation	Form	(MSHA	Form	7000-	3a)		
9. Violation	A. Health	h																			П		一门
	Safet	y 🗀		B. Sec	tion							C.	Part/S	ection	of								
	Other	r		of A	∖ct			-					Title 30) CFR			5 6	. 1	8 0	0 2	а		
Section II I	nspecto	r's Ev	aluati	on																			
10. Gravity: A. Injury of	r Illness	(has)	(is):	No L	ikeliho	od		Unlik	ely		Re	asona	ably Lik	cely X]	Hig	hly Lik	ely		Occ	curred		
B. Injury	or Illne	ss co	uld re	a-																			
sonal	bly be ex	cpecte	ed to	be:	No Lo	st Wo	orkdays			Lost	Work	days	or Rest	tricted	Duty		Perm	anently	/ Disab	oling	XF		
C. Signif				ial (Se	e Rev	erse):	Yes	s X		No						D. Nu	mber o	of Perso	ons Af	fected		0	0 1
11. Negligend A. None		k one	9)	В. І	Low			C.	. Mo	derate	Э	X		D. Hig	h			E. Re	ckless	Disre	egard	П	
12. Type of A	Action				\Box					13	3 Type	of Iss	suance	(chec	k one)								
.2 , po o. ,		1	0 4	- a	-	,		-	-			ition	, aa. 10 c	X	,	Ord	der		Sa	fegua	rd]	
14. Initial Act	tion							-	D.	Writte	en		E. Cita	tion/				F. [Dated	N	l oN	Da	Yr
A. Citati	ion	B.	Orde	r	C. :	Safeg	uard			Notic	e		Orde										
15. Area or E	auipmei	nt											Null	ibei							ш		
	1-1																						
16. Terminati	ion Due	А. D	ate	Mo 0 7	Da 0 4	Yr 0 1		Time Hr. C		١	0 8	0 0											
Section III	Termina	tion /	Action		<u> </u>	0 1		1 II. C	, IOUK	,	0 0	1010	<u>′ </u>										
17. Action to	Termina	ite																					
40 Tamainat			T 8.4		- 1 1/-						1 1	т г	1										
18. Terminate		Date	M	o Da	a Yı		3. Time	(24 H	dr Cl	ock)													
Section IV	Automa	ted S	ystem	n Data																			
19. Type of Ir	nspectio	n		20). Ever	nt Nur	nber					21.	Prima	ry or N	lill								
(activit	y code)	E	∃ 0	1				0 0	8 (9 6	6 9)											
22. Signature	-			_													2	23. AR	Numbe	er			
JANE JOI	NES																				0 2	2 1	3 6
MSHA Form		Mar 8	5 (Re	vised)																	1-1-		
			,																				

104(a) CITATION - "S&S" - FAILURE TO CONDUCT WORKPLACE EXAMINATIONS

U.S. Department of LaborMine Safety and Health Administration

Section I Violation Data		
1. Date Mo Da Yr 2. Time (24 Hr. Clock)		3. Citation/Order
0 7 0 6 0 1	ol ol	Number 4 4 1 0 1 6 9
4. Served To	5. Operator	, , , , , , , , , , , , , , , , , , , ,
SAMUEL ADAMS, LEVEL FOREMAN	MUDDY MINING, INC.	
6. Mine	7. Mine ID	
THE DOUBLE M MINE	5 7 - 0 6 7	8 9 - (contractor)
8. Condition or Practice		8a. Written Notice (103g)
A loose slab of rock was located in the back at 24 Baker Turnout		
was located one foot from the right rib, and was estimated to weigh		iners on foot were in the area regularly.
A serious injury would occur if this slab were to fall and hit a mine	er.	
	See Continu	ation Form (MSHA Form 7000-3a)
9. Violation A. Health		
Safety B. Section	C. Part/Section of	
Other of Act -	Title 30 CFR	5 7 . 3 2 0 0
Section II Inspector's Evaluation 10. Gravity:		
A. Injury or Illness (has) (is): No Likelihood Unlikely	Reasonably Likely X	Highly Likely Occurred
B. Injury or Illness could rea-		
sonably be expected to be: No Lost Workdays	Lost Workdays or Restricted Duty	Permanently Disabling Fatal X
C. Significant and Substantial (See Reverse): Yes X N	lo	D. Number of Persons Affected 0 0 1
11. Negligence (check one)		
A. None B. Low C. Mode	erate X D. High	E. Reckless Disregard
12. Type of Action	13. Type of Issuance (check one)	
1 0 4 - a - , , - -	Citation	Order Safeguard
<u> </u>	Vritten E. Citation	F. Dated Mo Da Yr
A. Citation B. Order C. Safeguard N	lotice Order Number	
15. Area or Equipment	170111001	
16. Termination Due Mo Da Yr		
16. Termination Due		
0 7 0 6 0 1 Hr. Clock)	1 2 0 0	
Section III Termination Action 17. Action to Terminate		
THE SLAB WAS BARRED DOWN.		
THE GEAS WAS SAINCED BOWN.		
18. Terminated Mo Da Yr		
A. Date 0 7 0 6 0 1 B. Time (24 Hr Cloc	ck) 1 1 1 5	
Section IV Automated System Data		
19. Type of Inspection 20. Event Number	21. Primary or Mill	
(activity code) E 0 1 0 3 4 5	5 6 7 8	
22. Signature		23. AR Number
BILL WILLIAMS		0 2 5 5 5
MSHA Form 7000-3 Mar 85 (Revised)		

104(a) CITATION - "S&S" - PRIOR TO MODIFYING TO A "NON-S&S" CITATION

U.S. Department of LaborMine Safety and Health Administration

Section I Subse	quent Ac	tion/Co	ntinuation	n Data																		
1. Subsequent Ac	tion 1	a. Cont	tinuation	2. Date (Or	ed iginal Issue)		Mo) 7		a 6	Yı O			Citation/Order Number	4	4	1	0	1	6 9) -	0	1
4. Served To				!		!_		5.	Оре				-1		!!			_+	-		!	
SAMUEL ADA	MS, LEV	EL FOI	REMAN						MU	JDD	Y V	IINING,	INC.									
6. Mine THE DOUBLE	M MINE							7.	Min	e IE		5 7 -	0 6 7 8 9 -		(co	ntr:	acto	or)				
Section II Justifi		Action	1									<u> </u>			(00	1100	2010	'')				_
Occion ii oddiii	cation for	7101101																				_
This action is t	o modify	Citation	n #44101	69 base	d on informa	tion i	ores	sente	ed a	at aı	n MS	SHA He	alth and Safety Conferen	ce.	Info	-m	atio	n re	eceiv	/ed		
													ectly beneath the slab. Pe									
													Based on this information							d		
to "Non-S&S".							_			_												
																_						
																_						
																_						
																_						
																_						
																_						
																_						
													5	See	Cor	ntin	uati	on	Forn	n		l
Section III Subs	oguent A	ction T	akon													—						
8. Extended To	T T		Mo Da	Yr													_					_
o. Extended 10	A. Date	'			B. Time (24 I	Hr. C	loc	k)				С	. Vacated D. Ter	min	atec	t		E.	Mod	lified	b	Χ
Section IV Inspe	ection Da	ta		1 1 1					!	Ш						_	—					_
9. Type of Inspect			10. E	vent Nu	ımber		1															
2) po oi mopooi	E	0 1	10. 2		0	3 4	4 5	6	7	8												
11. Signature			1		A	R N	umb	oer	12.	Da	ite	Мо	Da Yr 13. Time (2	4 H	r. Cl	locl	k)			\Box		
PAUL SMITH					0	1 6	6 5	5 4				0 7							1	1 3	0	0
		/-																				

MSHA Form 7000-3a, Mar 85 (Revised)

104(a) CITATION - "S&S" -MODIFIED TO "NON-S&S"

U.S. Department of LaborMine Safety and Health Administration

Section I Violation Dat	ta																				
1. Date Mo Da	Yr	2. Time (24 H	Ir. Clock)									3. 0	Citatio	n/Or	der						l
0 7 2 4	0 1			0	8 0	0						١	lumb	er			4 4	1 1	0 1	7	1
4. Served To		•					5. Ope	erator													
LEFTY JONES, SAF	ETY D	RECTOR					WH	HEAT	MININ	G CO	MPAI	٧Y									
6. Mine							7. Min	e ID													
WMC MINE AND MI	<u>LL</u>								5 6	- 0	0 :	3 3	3 -			(cont					
8. Condition or Practice														8a. V	Vritte	n Noti	ce (103g)			_
No server of offert						41	د المام المام		-l£4	L - fu-		111		- la				1			
No apparent effort wa in the stockpile area.		•																			
can observe the wind			ordered with	ulaw	11 1101	11 30	SI VICE	uritii ti	ie cab	WIIIUU	W 15 1	еріасс	su an	u aii	IVIOII	A IIISF	Jecio				_
Equipment: 988			oader, #10, S	erial	Num	ber	23456	67													_
NOTE: Section II, Ite				_				ent is	ordere	d with	drawı	n from	servi	ce er	nter t	he equ	uipme	ent's			
name, model	, and se	erial number (if	known) in Se	ction	II, Ite	em '	15.														
										See 0	Contir	nuation	Forr	n (MS	SHA	Form	7000	-3a)			_
9. Violation A. Health	TI													1			$\overline{}$	ΤŢ	$\overline{}$	$T^{!}$	F
Safety		B. Section						C. F	Part/Se	ection o	of										l
Other		of Act	-					Т	itle 30	CFR			5	6 .	1	4 1	0 3	3 b			l
Section II Inspector's	Evaluat	ion																			
10. Gravity: A. Injury or Illness (ha	e) (ie).	No Likelihoo	ı 🖂 Ur	nlikel	, —	1	Ros	sennal	bly Like	alv 🗔	1	Нi	ghly l	ikalv	, —		00	curre	٦ L	7	
, ,	, , ,		, П _О	IIIKCI	у		1100	2301121	DIY LIKE]		grily i	inciy	Ш		00	curre	<u>" </u>	<u> </u>	
B. Injury or Illness of sonably be expe			Workdays	П		net	Worko	lave o	r Restr	icted I	Duty	\Box	Pe	rman	ently	Disab	lina	\Box	Fata	al I	_
				Ш		031	VVOIRC	iays o	1 11630	icieu i	July	Ш	16	man	Cilliy	Disak	mig	<u>ш</u>	ı aıc	"	
C. Significant and S		tial (See Rever	se): Yes	Ш	No)						D. N	umbe	r of F	Perso	ns Aff	ecte	t		Ш	
11. Negligence (check of	ne)	B. Low		~ N	4	4-	i	_		5 II:I	_	$\overline{}$		-	. n.	ckless	D:		. –	7	
A. None		D. LOW		U. N	/lode					D. Higl		Ш			. Re	ckiess	DISI	egard	<u>_</u>	<u>」</u>	
12. Type of Action						13.			uance	(checl	k one)		-	_			г	_		
1	0 4	- b - ,	-		-		Citat	ion				Oı	der	X		Sa	fegua	ard			
14. Initial Action				<u> </u>	D. W	ritte	n	E	. Citati	ion/					F. D	ated		Мо	Da	Υ	r
A. Citation X	B. Orde	r C. Sa	feguard		No	tice	•		Orde	r 4	4	1 0	1 7	0			(7 (0 8	3 0	1
15 Area or Equipment							-		Numi	per									丄		
15. Area or Equipment CATERPILLAR FRO	NT-EN	D LOADER (MC	ODEL 988. SI	ERIA	L #2	345	67)														
							- /														
16. Termination Due	. Date	Mo Da \	/r	no (2	0.4																
A	. Date		B. Tin	ne (2 : Clo																	
Section III Termination	n Action	<u> </u>		. 0.0	ion				<u> </u>												
17. Action to Terminate																					
18. Terminated		1o Da Yr							1												_
A. Da			B. Time (2	4 Hr	Clocl	K)															
Section IV Automated	Syster	1 1																		_	_
19. Type of Inspection		20. Event						21. I	Primar	y or M	ill										
(activity code)	E 1	5	0	3	5 7	9	1 3														
22. Signature														23.	AR N	Numbe	er				l
JOHN SMITH																		0	1 9	9	9
MSHA Form 7000-3 Ma	r 85 (R	evised)																			

104(b) - ORDER OF WITHDRAWAL

U.S. Department of LaborMine Safety and Health Administration

Section I \	/iolatio	n Data	a														
1. Date	Мо	Da	Yr	2. Time (24 H	r. Clock)						3. Citat	ion/Orde	er				
	0 7	2 7	0 1			0	9 0 0				Num	her		44	1 0	1	88
4. Served To		2 1	U I			0	9 0 0	5. Operator			INUIT	inei		1-1-	1110	' '	U U
		CAFE	TV D	IDECTOR					MINIMO	COMPAN	.IV						
6. Mine	ONES,	SAFE	וטווב	RECTOR				7. Mine ID	MINING	TIT	1 1	1 1 1					
	NIE ANI	D MII						7. WIII IE ID	5 6 -	- 0 0 3	3 3 3	_	(oor	trooto	.r\		
8. Condition			L						5 0 -	- 0 0 3	3 3	82 1/1	ritten No	tracto	,		
o. Condition	OI I IA	CIICE										oa. vvi	interi No	.100 (1	03g)		
The mine	onera	tor is	continu	uing to operate t	the Caternilla	ar 088	front-o	nd loader ev	on thoug	h a 104/h) order #/	1/10171	for non-	compl	iance		
				y 24, 2001. Thi	•					,	,						
				ks in the plant o	-												
				and replace the													
				of the Mine Act							· g						
				s completed wit				-			npleted.	A 104(a), not a 1	04(d).			
				dless of the neg									,,	- (-//			
					, ,												
									S	See Contin	uation Fo	rm (MSI	HA Form	7000	-3a)		
9. Violation	A. Hea	alth													T	TI	
	Saf	ety		B. Section				C. F	Part/Sect	tion of							
	Oth	ner		of Act	1 0 4 -	b		Т	itle 30 C	FR		.					
Section II	Inspec	tor's E	valuat	ion							•						
10. Gravity:							_			_		1	_	_		_	ı
A. Injury o	or Illnes	ss (has	s) (IS):	No Likelihood	I X U	nlikely	/ Ш	Reasonal	bly Likely	у []	Highly	/ Likely		Oc	curred	Ш	1
B. Injur	•														_		
sona	bly be	exped	ted to	be: No Lost	Workdays	X	Lost	Workdays o	r Restric	ted Duty	P	ermane	ntly Disa	oling	F	atal	
C. Signi	ficant a	and Si	ıhstan	tial (See Revers	se): Yes	П	No	X			D Numl	ner of Pe	ersons At	fecter	-	0	0 1
11. Negliger				(000	,	1_1_		17.1		ı	2		,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,				ن ت
A. Non	` -	0.	.0,	B. Low		C. N	loderate	e 🗆	D.	High	X	E.	Reckles	s Disr	egard		
40 T	A - 1'	_				т г	1 40								-		-
12. Type of	Action	1	0 4				13	Type of Iss					0.			1	
		'	0 4	- a - ,			- I	Citation	X	<u>\</u>	Order	Ш	58	afegua	ira _	_	
14. Initial Ac	tion		L—I—). Writte	en E	. Citatio	n/			F. Dated		Mo I	Da	Yr
A. Citat	-	В	. Orde	r X C. Sa	feguard	1	Notice		Order		1 0 1					2 4	0 1
45 0						=			эатии	er					$\perp \perp$		Щ
15. Area or l	Equipm	ient															
16. Termina	tion Du	е		Mo Da Y	′r												
		A.	Date			me (2											
Coation III	Тогроі	ootion	Λ otion	0 7 2 7 0	1 Hi	r. Clo	ck)	0 9 3 0									
Section III			ACIIOI	1													
17.71011011110	, 1011111	iiato															
18. Termina	ted		N	1o Da Yr													
		A. Da	te		B. Time (2	24 Hr	Clock)										
0 11 11/	A		0														
Section IV			Syster			1 1		1 1 1 24 1		B 4***	1						
19. Type of	•			20. Event I			. [] .		Primary o	Dr IVIIII							
<u>`</u>	ty code	e)	E 1	5	0) 3 3	8 5 1	9 3									
22. Signatur	е											23. A	R Numb	er			
TED JOH	INSON	l													0 4	1 7	8 9
MSHA Form			85 (R	evised)													

104(a) CITATION - WORKING IN VIOLATION OF A 104(b) ORDER OF WITHDRAWAL

U.S. Department of LaborMine Safety and Health Administration

Section I Violation Data	
1. Date Mo Da Yr 2. Time (24 Hr. Clock)	3. Citation/Order
0 7 2 1 0 1	Number 4 4 1 0 0 0 4
4. Served To	5. Operator
	•
John Smith, Assistant Foreman 6. Mine	J and S Coal Company, Inc.
No. 1 8. Condition or Practice	
o. Condition of Fractice	oa. Written Notice (1039)
No apparent effort was made by the operator to install a proper bus	ning where the energized power wires go through the metal frame into the
switches of the Labour water pump in the northeast pumping station.	mig whore the chargezon power whose go through the metal name into the
	See Continuation Form (MSHA Form 7000-3a)
9. Violation A. Health	
Safety B. Section	C. Part/Section of
Other of Act	Title 30 CFR 7 5 . 5 1 5 1 5
10. Gravity:	
A. Injury or Illness (has) (is): No Likelihood Unlikely	Reasonably Likely Highly Likely Occurred
B. Injury or Illness could rea-	
· · · · · · · · · · · · · · · · · · ·	t Workdays or Restricted Duty Permanently Disabling Fatal
C. Significant and Substantial (See Reverse): Yes No	D. Number of Persons Affected
11. Negligence (check one)	D. Number of Fersons Affected
A. None B. Low C. Moderat	e D. High E. Reckless Disregard
	B. Type of Issuance (check one) Citation Order X Safequard
' ' 4 -	Citation Order X Safeguard
14. Initial Action D. Writt	en E. Citation/ F. Dated Mo Da Yr
A. Citation X B. Order C. Safeguard Notice	
	Number
15. Area or Equipment The Lebeur water sums leasted at the partheast sumping station	
The Labour water pump located at the northeast pumping station	
16. Termination Due Mo Da Yr	
A. Date B. Time (24	
Section III Termination Action	
17. Action to Terminate	
18. Terminated Mo Da Yr	
A. Date B. Time (24 Hr Clock)	
Section IV Automated System Data	1 1 1 1
19. Type of Inspection 20. Event Number	21. Primary or Mill
(activity code) E 0 1 0 8 8 8	
22. Signature	23. AR Number
James Lee	2 0 7 7 7
MOUA Francisco O Mario C. (Day in all)	2 0 1 1 1

MSHA Form 7000-3 Mar 85 (Revised)

104(b) ORDER - FAILURE TO ABATE

U.S. Department of LaborMine Safety and Health Administration

Section I Violation Data
1. Date Mo Da Yr 2. Time (24 Hr. Clock) 3. Citation/Order
0 7 2 1 0 1 1 1 0 0 Number 4 4 1 0 0 0
4. Served To 5. Operator
John Smith, Assistant Foreman J and S Coal Company, Inc.
6. Mine 7. Mine ID 7.
No. 1 4 4 - 0 3 5 3 6 - (contractor)
8. Condition or Practice 8a. Written Notice (103g)
The Labour pump was not removed from operation as required by Order of Withdrawal No. 4410004 dated 7/21/01 at 0830 hours. The Order
has not been modified, vacated, or terminated. This condition has not been designated as "significant and substantial" because the conduct
violated a provision of the Mine Act rather than a mandatory safety or health standard.
See Continuation Form (MSHA Form 7000-3a)
9. Violation A. Health
Safety B. Section C. Part/Section of
Other of Act 1 0 4 - b Title 30 CFR
Section II Inspector's Evaluation
10. Gravity:
A. Injury or Illness (has) (is): No Likelihood X Unlikely Reasonably Likely Highly Likely Occurred
B. Injury or Illness could rea-
sonably be expected to be: No Lost Workdays X Lost Workdays or Restricted Duty Permanently Disabling Fatal
C. Significant and Substantial (See Reverse): Yes No X D. Number of Persons Affected 0 0
11. Negligence (check one)
A. None B. Low C. Moderate D. High X E. Reckless Disregard
12. Type of Action
1 0 4 - a - , - - Citation X Order Safeguard
14. Initial Action D. Written E. Citation/ F. Dated Mo Da Yr
A. Citation
15. Area or Equipment
16. Termination Due
A. Date B. Time (24
Section III Termination Action
17. Action to Terminate
The pump was removed from service.
18. Terminated Mo Da Yr
A. Date B. Time (24 Hr Clock)
Section IV Automated System Data
19. Type of Inspection 20. Event Number 21. Primary or Mill
(activity code) E 0 1 0 8 8 8 0 0
22. Signature 23. AR Number
James Lee
MSHA Form 7000-3 Mar 85 (Revised)

104(a) CITATION - WORKING IN VIOLATION OF A 104(b) ORDER OF WITHDRAWAL

U.S. Department of LaborMine Safety and Health Administration

Section I Subsequent Action/Continuation	on Data																
1. Subsequent Action 1a. Continuation	2. Dated (Original Issue)		lo 7	Da 2		∕r 0 1		Citation/Order Number	4	4	1	0	0	0	4	- (1
4. Served To			5	5. C	pera	ator	!		!	l	!		ш.		-		
John Smith, Assistant Foreman				J	Jand	S	Coal Con	npany, Inc.									
6. Mine			7		/line l												
No. 1							4 4 -	0 3 5 3 6 -		(c	onti	ract	or)				
Section II Justification for Action																	
A suitable bushing was provided and p		point	t whe	ere	the e	ene	rgized po	wer wires entered the pov	ver	COI	ntro	Isw	vitch	nbox	k on		
the Labour pump located at the northe	ast pumping station.																
								5	See	Co	ntir	nuat	tion	For	m		
Section III Subsequent Action Taken	T 1																
8. Extended To Mo Da A. Date	B. Time (24 H	łr. Clo	ock)				С	. Vacated D. Ten	min	ate	d	Χ	E	. Mc	odifi	ed	
Section IV Inspection Data																	
9. Type of Inspection E 0 1 10.	Event Number 0	8 8	8	8	0 0)											
11. Signature	AF	R Nur	nbei	r 1	12. D	ate	Мо	Da Yr 13. Time (2	4 H	r. C	loc	;k)			I		
James Lee	2	0 7	7	7			0 7	2 1 0 1							1	2 (0 0

MSHA Form 7000-3a, Mar 85 (Revised)

104(b) ORDER - TERMINATION

U.S. Department of LaborMine Safety and Health Administration

Section I Violation Data
1. Date Mo Da Yr 2. Time (24 Hr. Clock) 3. Citation/Order
0 7 0 8 0 1 0 8 0 0 Number 4 4 1 0 1 7 2
4. Served To 5. Operator
PETER JONES, SAFETY DIRECTOR XYZ MINING, INC.
6. Mine 7. Mine ID 7.
XYZ MINE
8. Condition or Practice 8a. Written Notice (103g)
The headpulley guard was removed and not replaced on the primary crusher discharge conveyor belt on July 6, 2001. According to a maintenance
employee, Foreman Chester Coombs ordered the guard taken off because it was binding the headpulley. The unguarded pulley was three feet
off ground level, was highly visible, and was turning at a high rate of speed. A laborer usually shovels spilled material onto the conveyor belt
immediately adjacent to the headpulley. Leaving machinery guards off is a violation of the company's safety policy. Coombs stated he had read
and was aware of this policy but that if an employee was careful an injury would not occur. Foreman Coombs engaged in aggravated conduct
constituting more than ordinary negligence in that he was aware that the headpulley guard was off and that employees worked in the area
when the machinery was in motion. This violation is an unwarrantable failure to comply with a mandatory standard.
See Continuation Form (MSHA Form 7000-3a)
9. Violation A. Health
Safety B. Section C. Part/Section of
Other of Act - Title 30 CFR 5 6 . 1 4 1 1 2 b
Section II Inspector's Evaluation
10. Gravity: A. Injury or Illness (has) (is): No Likelihood Unlikely Reasonably Likely X Highly Likely Occurred
B. Injury or Illness could reasonably be expected to be: No Lost Workdays Lost Workdays or Restricted Duty Permanently Disabling Fatal X
C. Significant and Substantial (See Reverse): Yes X No D. Number of Persons Affected 0 0 1
11. Negligence (check one)
A. None B. Low C. Moderate D. High X E. Reckless Disregard
12. Type of Action 13. Type of Issuance (check one)
1 0 4 - d - 1 ,
14. Initial Action D. Written E. Citation/ F. Dated Mo Da Yr
A. Citation B. Order C. Safeguard Notice Order Number
15. Area or Equipment
16. Termination Due Mo Da Yr
A. Date B. Time (24
0 7 0 8 0 1 Hr. Clock) 1 0 0 0
Section III Termination Action
17. Action to Terminate
THE GUARD WAS REPLACED OVER THE PRIMARY CRUSHER DISCHARGE HEADPULLEY. ALSO, FOREMAN COOMBS WAS
REINSTRUCTED ON COMPANY GUARDING POLICY BY THE PLANT MANAGER.
18. Terminated Mo Da Yr A. Date B. Time (24 Hr Clock)
Section IV Automated System Data
19. Type of Inspection 20. Event Number 21. Primary or Mill
(activity code) E 0 1 0 1 2 3 4 5 6
22. Signature 23. AR Number
TED SMITH 0 2 9 3 3
MSHA Form 7000-3 Mar 85 (Revised)

104(d)(1) CITATION - UNWARRANTABLE FAILURE WITH TERMINATION

September 2005 31 Appendix A

U.S. Department of Labor

Mine Safety and Health Administration

Section I Violation Data	
1. Date Mo Da Yr 2. Time (24 Hr. Clock)	3. Citation/Order
0 8 1 9 0 1	Number 4 4 1 0 0 1 5
4. Served To	Trumber 1 1 1 0 0 1 0
John Smith, Mine Foreman	J and S Coal Company, Inc.
	7. Mine ID
No. 1	4 4 - 0 3 5 3 6 -
8. Condition or Practice	8a. Written Notice (103g)
The methane and dust control plan is not being complied with on 1 left	` ' ' ' ' ' ' ' ' ' ' ' ' ' ' ' ' ' ' '
a distance of 40 feet, from the last open crosscut to the face of No. 3 e	
the curtain to be maintained to within 30 feet of the point of deepest pe	· · · · · · · · · · · · · · · · · · ·
of methane as indicated by a permissible methane detector. The forer	
	d in aggravated conduct by ordering work to be performed in a working
face having no positive ventilation. The mine has had previous ignition	s. This violation is an unwarrantable failure to comply with a mandatory
standard.	
	See Continuation Form (MSHA Form 7000-3a)
9. Violation A. Health	
Safety B. Section	C. Part/Section of 7 5 3 3 0 b 2
Other of Act	Title 30 CFR .
Section II Inspector's Evaluation	
10. Gravity:	P
A. Injury or Illness (has) (is): No Likelihood Unlikely	Reasonably Likely Highly Likely Occurred
B. Injury or Illness could rea-	
sonably be expected to be: No Lost Workdays Lost V	Vorkdays or Restricted Duty X Permanently Disabling Fatal
C. Significant and Substantial (See Reverse): Yes X No	D. Number of Persons Affected 0 0 2
11. Negligence (check one)	B. Namber of Fersons America
A. None B. Low C. Moderate	D. High X E. Reckless Disregard
	Type of Issuance (check one)
1 0 4 - d - 1 , - -	Citation X Order Safeguard
4.4 Initial Action	E Citation E Dated Ma Da Va
14. Initial Action D. Writter A. Citation B. Order C. Safeguard Notice	n E. Citation/
7. Oldfor B. Older O. Galeguard Police	Number
15. Area or Equipment	
16. Termination Due Mo Da Yr A. Date B. Time (24	
	1 3 4 0
Section III Termination Action	
17. Action to Terminate	
Line brattice was installed to within 10 feet of the face. Methane could no	t be detected immediately after the brattice was installed
18. Terminated Mo Da Yr	
A. Date B. Time (24 Hr Clock)	
	1 3 4 5
Section IV Automated System Data	
19. Type of Inspection 20. Event Number 20.	21. Primary or Mill
(activity code) E 1 5 0 8 8 8	' ' ' ' ' ' ' ' ' ' ' ' ' ' ' ' ' ' '
22. Signature	23. AR Number
James Lee	2 0 7 7 7
MSHA Form 7000-3 Mar 85 (Revised)	

104(d)(1) CITATION AND TERMINATION

U.S. Department of LaborMine Safety and Health Administration

Section I Violation Data
1. Date Mo Da Yr 2. Time (24 Hr. Clock) 3. Citation/Order
0 8 1 0 0 1 0 8 0 0 Number 4 4 1 0 1 7 3
4. Served To 5. Operator
LEFTY JONES, SAFETY DIRECTOR WHEAT MINING COMPANY 6. Mine 7. Mine ID 7. Mine
WMC PORTABLE CRUSHER 5 6 - 0 1 9 7 5 - (contractor)
8. Condition or Practice 8a. Written Notice (103g)
- Continue (1999)
The window of the front-end loader was cracked on the driver's side creating a line of vision problem for the operator. The loader
was operating in the stockpile area. Because of the broken windshield the loader operator did not have clear vision to avoid hitting
other vehicular traffic and employees in the area. The windshield cracks extended two feet vertically by two feet horizontally.
This loader and condition was cited (#4410168) on July 8, 2001, at another mine (Mine ID #56-00333) owned by the operator. When the
citation was terminated, the operator was informed in writing that the violation still existed but was being terminated because of the equipment's
removal from that mine site. Further, the operator was informed that they were required to repair the broken windshield prior to working the
machine at another mine site. The Safety Director stated that there wasn't time to repair the windshield at the new site because they
were behind on production. The mine operator has engaged in aggravated conduct constituting more than ordinary negligence. This
violation is an unwarrantable failure to comply with a mandatory standard.
Equipment: 988 Caterpillar front-end loader (Serial #234567)
See Continuation Form (MSHA Form 7000-3a)
9. Violation A. Health Safety B. Section C. Part/Section of
Safety B. Section
Section II Inspector's Evaluation
10. Gravity:
A. Injury or Illness (has) (is): No Likelihood Unlikely Reasonably Likely X Highly Likely Occurred
B. Injury or Illness could rea-
sonably be expected to be: No Lost Workdays Lost Workdays or Restricted Duty Permanently Disabling Fatal X
C. Significant and Substantial (See Reverse): Yes X No D. Number of Persons Affected 0 0 1
C. Significant and Substantial (See Reverse): Yes X No D. Number of Persons Affected 0 0 1 11. Negligence (check one)
A. None B. Low C. Moderate D. High E. Reckless Disregard X
12. Type of Action
1 0 4 - d - 1 ,
14. Initial Action D. Written E. Citation/ F. Dated Mo Da Yr
A. Citation B. Order C. Safeguard Notice Order Order
13. Alea of Equipment
16. Termination Due Mo Da Yr
A. Date B. Time (24
0 8 1 0 0 1 Hr. Clock) 1 6 3 0 Section III Termination Action
17. Action to Terminate
18. Terminated Mo Da Yr
//. Balle
Section IV Automated System Data
19. Type of Inspection 20. Event Number 21. Primary or Mill
(activity code) E 0 1 0 4 5 6 6 1 9
22. Signature 23. AR Number
JOHN SMITH 0 1 9 9 9 9 9 9 9 9 9 9 9 9 9 9 9 9 9 9

104(d)(1) CITATION - UNWARRANTABLE - CITING MINE OPERATOR FOR A PREVIOUSLY TERMINATED VIOLATION

U.S. Department of LaborMine Safety and Health Administration

Section I Violation Data				
1. Date Mo Da Yr 2. Time (24 Hr. Clock)				3. Citation/Order
0 7 0 9 0 1	0	8 1	0	Number 4 4 1 0 1 7 4
4. Served To				5. Operator
PETER JONES, SAFETY DIRECTOR				XYZ MINING, INC.
6. Mine				7. Mine ID
XYZ MINE				5 6 - 0 1 0 0 8 - (contractor)
8. Condition or Practice				8a. Written Notice (103g)
			_	gravel bins was missing, exposing employees daily to falling hazards.
The fall to ground was estimated to be 18 feet. Mine For				
				man Coombs on June 27, 2001, in a written report from the plant
				rry about than a missing handrail. Foreman Coombs engaged in aggravated ne handrail was missing and employees were exposed to falling hazards.
This violation is an unwarrantable failure to comply with a				
This violation is an unwarrantable failure to comply with a	a iiia	iidate	,ı y	Standard.
NOTE: Section II, Items 14A, 14E, and 14F are complete	ed wi	th the	in	nitial 104(d)(1) citation number and it's issue date.
The first content in the first complete	, u			See Continuation Form (MSHA Form 7000-3a)
9. Violation A. Health				
Safety B. Section				C. Part/Section of
Other of Act -				Title 30 CFR 5 6 . 1 1 0 0 2
Section II Inspector's Evaluation		- 1 - 1		
10. Gravity: A. Injury or Illness (has) (is): No Likelihood Un	ılikely	y 🔲		Reasonably Likely X Highly Likely Occurred
B. Injury or Illness could rea-				
sonably be expected to be: No Lost Workdays		Lo	ost	Workdays or Restricted Duty Permanently Disabling Fatal X
	Х	No		D. Number of Persons Affected 0 0 1
11. Negligence (check one) A. None B. Low	C. N	/loder	ate	e D. High E. Reckless Disregard X
12 Type of Action			12	Tune of leguence (check one)
12. Type of Action		-	13	B. Type of Issuance (check one) Citation Order X Safeguard
14. Initial Action	Щ.	J. Wi	ritte	en E. Citation/ F. Dated Mo Da Yr
A. Citation X B. Order C. Safeguard]	No		
15. Area or Equipment				
WALKWAY AT THE NO. 7 COARSE GRAVEL BINS				
10.7				
16. Termination Due Mo Da Yr A. Date B. Tim	ne (2 . Clo			
Section III Termination Action	. 010	CK)		
17. Action to Terminate				
18. Terminated	4 Hr	Clock	()	
Section IV Automated System Data				1 1 1 1
19. Type of Inspection 20. Event Number				21. Primary or Mill
	₁ ,	2 3	4	5 6
22. Signature	<u> </u>	_, _,	т	23. AR Number
· ·				
TED SMITH				0 2 9 3 3

MSHA Form 7000-3 Mar 85 (Revised)

104(d)(1) ORDER - "S&S" UNWARRANTABLE FAILURE

U.S. Department of LaborMine Safety and Health Administration

Section I Violation Data	
1. Date Mo Da Yr 2. Time (24 Hr. Clock)	3. Citation/Order
0 8 3 0 0 1	Number 4 4 1 0 0 1 6
	5. Operator
	J and S Coal Company, Inc.
	7. Mine ID
No. 1 8. Condition or Practice	4 4 - 0 3 5 3 6 - (contractor) 8a. Written Notice (103g)
6. Condition of Practice	oa. written Notice (103g)
The trailing cable to the No. 2 shuttle car on 1st left coation contained	five people made temporary polices three of the oplices had expected
The trailing cable to the No. 2 shuttle car on 1st left section contained	ibutes substantially to a fire or electrical shock hazard. The mine floor is wet.
	able was reported in the preshift examiner's book on 8/28/01 and 8/29/01.
	engaged in aggravated conduct by acknowledging a safety hazard and not
taking corrective action. This violation is an unwarrantable failure to	
- taking corrective action. This violation is an unwarrantable failure to t	comply with a mandatory standard.
	See Continuation Form (MSHA Form 7000-3a)
O Violation A Haalth	Coo Continuation Form (Morar Tollar Coo Cod)
9. Violation A. Health B. Section	C. Part/Section of
Safety B. Section	Title 30 CFR 7 5 . 6 0 3
Section II Inspector's Evaluation	Title 30 CFR
10. Gravity:	
A. Injury or Illness (has) (is): No Likelihood Unlikely	Reasonably Likely X Highly Likely Occurred
B. Injury or Illness could rea-	
sonably be expected to be: No Lost Workdays Lost	Workdays or Restricted Duty Permanently Disabling Fatal X
C. Significant and Substantial (See Reverse): Yes X No	D. Number of Persons Affected 0 0 1
11. Negligence (check one)	
A. None B. Low C. Moderate	D. High E. Reckless Disregard X
12. Type of Action 13.	Type of Issuance (check one)
11014-141-141-1-1-1-1	Citation Order X Safeguard
14. Initial Action D. Writte	
A. Citation X B. Order C. Safeguard Notice	Order 4 4 1 0 0 1 5 0 8 1 8 0 1 1 1 1 1 1 1 1 1
15. Area or Equipment	Number
No. 2 shuttle car, 1st left section	
·	
16. Termination Due Mo Da Yr	
A. Date B. Time (24	
Section III Termination Action	
17. Action to Terminate	
18. Terminated Mo Da Yr	
A. Date B. Time (24 Hr Clock)	
Section IV Automated System Data	
Section IV Automated System Data	24 Drimony or Mill
19. Type of Inspection 20. Event Number 20. 20. 20. 20. 20. 20. 20. 20. 20. 20.	21. Primary or Mill
(activity code) E 0 1 0 8 8 8 8	
22. Signature	23. AR Number
James Lee	2 0 7 7 7
MSHA Form 7000-3 Mar 85 (Revised)	

104(d)(1) ORDER

September 2005 35 Appendix A

U.S. Department of Labor

Mine Safety and Health Administration

Section I Violation Data	
1. Date Mo Da Yr 2. Time (24 Hr. Clock)	3. Citation/Order
0 8 3 1 0 1	Number 4 4 1 0 0 1 7
	5. Operator
	J and S Coal Company, Inc.
	7. Mine ID
No. 1	
8. Condition or Practice	4 4 - 0 3 5 3 6 - (contractor) 8a. Written Notice (103g)
6. Condition of Fractice	oa. Whiten Notice (1039)
Positive-acting stop controls are not installed along the belt conveyor i	n 2 south section. The helt has been extended a distance of 600 feet
This condition has been reported in the pre-shift and on-shift examinat	
required by Notice to Provide Safeguard No. 1 ABC, dated 9/16/76.	
correct a known safety violation. This violation is an unwarrantable fai	
	and to comply man a managery changera.
-	
	See Continuation Form (MSHA Form 7000-3a)
9. Violation A. Health	
Safety B. Section	C. Part/Section of
Other of Act	Title 30 CFR 7 5 . 1 4 0 3
Section II Inspector's Evaluation	
10. Gravity:	Bassasak ku li ibak .
A. Injury or Illness (has) (is): No Likelihood Unlikely X	Reasonably Likely Highly Likely Occurred
B. Injury or Illness could rea-	
sonably be expected to be: No Lost Workdays Lost	Norkdays or Restricted Duty X Permanently Disabling Fatal
C. Significant and Substantial (See Reverse): Yes No	X D. Number of Persons Affected 0 0 1
11. Negligence (check one)	
A. None B. Low C. Moderate	D. High X E. Reckless Disregard
12. Type of Action 13.	Type of Issuance (check one)
	Citation Order X Safeguard
1	Order X Saleguard
14. Initial Action D. Writter	n E. Citation/ F. Dated Mo Da Yr
A. Citation X B. Order C. Safeguard Notice	Order 4 4 1 0 0 1 5 0 8 1 9 0 1
15. Area or Equipment	Number
Belt conveyor in 2 south section	
Belt conveyor in 2 South Section	
16. Termination Due Mo Da Yr	
A. Date B. Time (24	
Section III Termination Action	
Section III Termination Action 17. Action to Terminate	
11.7 tolloit to Forminato	
18. Terminated Mo Da Yr	
A. Date B. Time (24 Hr Clock)	
Section IV Automated System Data	
19. Type of Inspection 20. Event Number	21. Primary or Mill
22. Signature	23. AR Number
James Lee	2 0 7 7 7
MSHA Form 7000-3 Mar 85 (Revised)	

104(d)(1) ORDER BASED ON A NOTICE TO PROVIDE SAFEGUARD(S)

U.S. Department of LaborMine Safety and Health Administration

Section I Violation Data
1. Date Mo Da Yr 2. Time (24 Hr. Clock) 3. Citation/Order
0 7 1 0 0 1 0 8 0 0 Number 4 4 1 0 1 7 5
4. Served To 5. Operator
J.R. JOHNSON, SAFETY DIRECTOR ABC MINING COMPANY
6. Mine 7. Mine ID
ABC MINE 7 5 - 0 9 1 3 3 - (contractor)
8. Condition or Practice 8a. Written Notice (103g)
The underground water truck driver did not have on his person a positive means of identification. The driver stated that he had not been
issued any identification in the three months he had worked underground. The safety director stated "we just haven't issued dog tags to the new man because we've got production to think about." This mine has been issued fourteen previous violations for this standard in the last
three months. Management engaged in aggravated conduct constituting more than ordinary negligence in that production was deemed more
important than issuing ID tags to an employee. This violation is an unwarrantable failure to comply with a mandatory standard.
NOTE: For 104(d)(2) orders, Section II, Item 14 is completed with the initial 104(d)(1) order and not the 104(d)(1) citation. Also note that
104(D) orders can be either "S&S" or "Non-S&S".
See Continuation Form (MSHA Form 7000-3a)
9. Violation A. Health
Safety B. Section C. Part/Section of
Other of Act - Title 30 CFR 5 7 . 1 1 0 5 8 - 0 5 8 - Section II Inspector's Evaluation
10. Gravity:
A. Injury or Illness (has) (is): No Likelihood X Unlikely Reasonably Likely Highly Likely Occurred
B. Injury or Illness could rea-
sonably be expected to be: No Lost Workdays X Lost Workdays or Restricted Duty Permanently Disabling Fatal
C. Significant and Substantial (See Reverse): Yes No X D. Number of Persons Affected 0 0 1
11. Negligence (check one) A. None B. Low C. Moderate D. High X E. Reckless Disregard
12. Type of Action 13. Type of Issuance (check one)
1 0 4 - d - 2 ,
14. Initial Action A. Citation B. Order X C. Safeguard D. Written Notice D. Written Notice D. Written Notice Order 4 4 1 0 1 5 9 F. Dated Mo Da Yr O' 7 0 3 0 1
15. Area or Equipment
WATER TRUCK DRIVER - BENNY FRANKLIN
16. Termination Due A. Date A. Date B. Time (24 Hr. Clock)
Section III Termination Action
17. Action to Terminate
18. Terminated A. Date A. Date B. Time (24 Hr Clock)
Section IV Automated System Data
19. Type of Inspection 20. Event Number 21. Primary or Mill
(activity code) E 0 1 20. Event Names 0 5 6 7 8 9 0
22. Signature 23. AR Number
JANE JONES 0 2 1 3 6
MSHA Form 7000-3 Mar 85 (Revised)

104(d)(2) ORDER "NON-S&S" UNWARRANTABLE FAILURE

U.S. Department of LaborMine Safety and Health Administration

Section I Violation Data	
1. Date Mo Da Yr 2. Time (24 Hr. Clock)	3. Citation/Order
1 1 0 1 0 1	
4. Served To	5. Operator
John Smith, Mine Foreman	J and S Coal Company, Inc.
6. Mine	7. Mine ID
No. 1	
8. Condition or Practice	4 4 - 0 3 5 3 6 - (contractor) 8a. Written Notice (103g)
8. Condition of Fractice	oa. Willett Notice (1059)
No. 1 ontry of 1 right agetion had been driven 22 to 27 feet in width fo	or a distance of 125 feet inby spad No. 100. Additional roof support had not
	proved roof control plan, which was revised 4/15/01, because of fragile roof
conditions. Sam Jones is the section foreman and one of the preshift	·
	has a history of unintentional roof falls. Three citations have been issued
	es engaged in aggravated conduct by his failure to record and take action on
a known hazard. This violation is an unwarrantable failure to comply	,
a known nazard. This violation is an unwarrantable failure to comply	with a mandatory standard.
	See Continuation Form (MSHA Form 7000-3a)
9. Violation A. Health	
Safety B. Section	C. Part/Section of 7 5 2 0 3 e
Other of Act	Title 30 CFR
Section II Inspector's Evaluation	Title 30 CF R
10. Gravity:	
A. Injury or Illness (has) (is): No Likelihood Unlikely	Reasonably Likely X Highly Likely Occurred
B. Injury or Illness could rea-	
sonably be expected to be: No Lost Workdays Lost	Workdays or Restricted Duty Permanently Disabling Fatal X
C. Significant and Substantial (See Reverse): Yes X No	D. Number of Persons Affected 0 0 1
11. Negligence (check one)	
A. None B. Low C. Moderate	D. High E. Reckless Disregard X
12. Type of Action	. Type of Issuance (check one)
	Citation Order X Safeguard
' 0 4 - 4 - 2 , - -	Station Managed Manage
14. Initial Action D. Writte	
A. Citation B. Order X C. Safeguard Notice	
15. Area or Equipment	- Number
15. Area or Equipment No. 1 entry of 1 right section beginning at spad No. 100 and extending in	phy for a distance of 125 feet
No. 1 entry of 1 right section beginning at space No. 100 and extending in	by for a distance or 125 feet
16. Termination Due Mo Da Yr	
A. Date B. Time (24	
Hr. Clock)	
Section III Termination Action	
17. Action to Terminate	
18. Terminated Mo Da Yr	
A. Date B. Time (24 Hr Clock)	
Section IV Automated System Data	
19. Type of Inspection 20. Event Number	21. Primary or Mill
(activity code) E 0 1 0 8 8 8	
22. Signature	23. AR Number
James Lee	2 0 7 7 7
MSHA Form 7000-3 Mar 85 (Revised)	

104(d)(2) ORDER - SUBSEQUENT INSPECTION

U.S. Department of LaborMine Safety and Health Administration

Section I Violation Data				
1. Date Mo Da Yr 2. Time (24 Hr. Clock)			3. Cit	ation/Order
0 7 1 2 0 1	0 9 0	0	Nu	mber 4 4 1 0 1 7 7
4. Served To		5.	Operator	
JANE SMITHSON, OWNER			BEDROCK MINING COMPANY	
6. Mine		7.	Mine ID	
BEDROCK MINE			5 6 - 0 7 8 9 1	- (contractor)
8. Condition or Practice				8a. Written Notice (103g)
A laborer was not wearing safety glasses, goggles, face	s chiolds o	or other	r protective devices while standing	annrovimatoly ton
feet from a hydraulic rock breaker. The breaker was be				
propelled directly into the area where the laborer was si				
			,	,
A written Notice of Pattern of Violations, No. 8765931, v	vas issued	l by M	SHA on 06/13/01.	
NOTE: Leave Section II, Item 14, blank for 104(e)(1) or	rdoro Aloc	2 104	(a) orders are required to be avaluate	tod on "CVC"
NOTE: Leave Section II, Reil 14, Dialik Ioi 104(e)(1) of	uers. Also	J, 104	(e) Orders are required to be evalua-	led as 300.
			See Continuation F	Form (MSHA Form 7000-3a)
9. Violation A. Health				
Safety B. Section			C. Part/Section of	
Other of Act			Title 30 CFR	5 6 . 1 5 0 0 4
Section II Inspector's Evaluation 10. Gravity:				
<u> </u>	nlikely	1	Reasonably Likely X High	nly Likely Occurred
B. Injury or Illness could rea-		_		
sonably be expected to be: No Lost Workdays	□ L	ost W	orkdays or Restricted Duty	Permanently Disabling X Fatal
C. Significant and Substantial (See Reverse): Yes	X No	<u>. </u>		nber of Persons Affected 0 0 1
11. Negligence (check one)	/ NO	,	D. ING	ilber of Persons Affected 0 0 1
A. None B. Low	C. Modei	rate	X D. High	E. Reckless Disregard
12. Type of Action	\top	13 T	ype of Issuance (check one)	
1 0 4 - e - 1 ,	- -		Citation Orde	er X Safeguard
14. Initial Action	D. W		E. Citation/	F. Dated Mo Da Yr
A. Citation B. Order C. Safeguard	_ INC	otice	Order Number	
15. Area or Equipment TOM SMITH, LABORER				
TOW SWITH, LABORER				
16. Termination Due Mo Da Yr				
	me (24			
Section III Termination Action	r. Clock)		 	
17. Action to Terminate				
THE LABORER REMOVED THE SAFETY GLASSES F	ROM HIS	POC	KET AND PUT THEM ON.	
18. Terminated Mo Da Yr A. Date I I B. Time (2	24 Hr Clock	k)		
0 7 1 2 0 1	.4111 01001	· \ \ (9 0 5	
Section IV Automated System Data				
19. Type of Inspection 20. Event Number			21. Primary or Mill	
	8 7 6	5 4	3	<u> </u>
22. Signature				23. AR Number
JANE JONES				0 2 1 3 6
MSHA Form 7000-3 Mar 85 (Revised)				

104(e)(1) ORDER - ISSUANCE AND TERMINATION

U.S. Department of LaborMine Safety and Health Administration

Section I \	√iolation	Data	ì																									
1. Date	Mo I	Da	Yr	2. Tii	me (24	4 Hr. C	lock)											3. C	Citatio	on/C	Order							
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4. Served To		J	0 1					·	J			Opera	tor						MUTTIK)C1				1 1	-11	<u>' '</u>	· !	-
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6. Mine	VIIIIIOOI	v , O v	/VINLI	`							7	Mine I		IX IVIII	VIIVO	1	1	VI VI	T	П								_
BEDRO	CK MINE										'			5 6	_	0 7	8	9	1 -			(cc	ontra	ctor)	,			
8. Condition														0 0		<u> </u>	Ŭ	•	<u>. </u>	8a.	Writ	ten No						_
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moving t			•								`							•				_						_
of the ha																												
A Notice	of Patter	n of	Violat	tions, N	lo. 876	55931,	was iss	ued	by I	MSH	A on	06/13	/01.															
NOTE: (
1	04(e)(2)	orde	rs are	writter	ı for al	I "S&S	S" violati	ons o	obs	erve	d on a	any su	bsec	quent	insp	ectio	n af	ter a	104	(e)(′	1) ord	der ha	s be	en is	ssue	d.		
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9. Violation				Б О-									. n															l
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B Iniur	ry or Illne	SS CO	ould r	ea-																							•	
,	ably be e				No L	ost Wo	orkdays		1	Lo	st Wo	rkday	s or	Rest	ricted	Duty	у		Pe	erma	nent	ly Dis	ablin	g	T F	ata	ı	Χ
									_																			
	ificant an			itial (Se	e Rev	erse):	Yes	Х	_	No	_ _						ļ l	D. N	umbe	er of	Pers	sons A	Affec	ted		0	0	2
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12. Type of	Action				1					1	13. Ty	pe of	Issu	ance	(che	ck or	ne)								_			
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14. Initial Ad	tion		_						_	10/20	tton		Г	Citot	tion/		1 1	1		1 1		Doto	۸	N 4		Do		_
A. Cita		٦в	. Orde	er X	С	Safeg	uard F		υ.	Wri Noti				Citat		4 4	1	0	1 7	7	Г.	Date	u	M O		Da 1 2	Y Ol	1
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15. Area or	Equipme Truck H-:																											
Haui	Truck H-	35																										
16. Termina	tion Due			Мо	Da	Yr	1						П															
10. 101111111	alon Duo		Date		ı	l ï	В. Т	ime	(24																			
							Н	Hr. C	lock	۲)																		
Section III			Actio	n			-					•																
17. Action to			Ν ΜΔ	S FOLI	ND TO) BE (DERAF	RIF	ΔΝΙΓ	200	III D	BE HI	ΔRI	DΔR	OVE	THE	: SI	IRR) I IN	DIN	G NC	NSE	THE	TP	IIICk	' DR	IV/E	P
WAS RE																1111	. 00	/IXIXX	JUIN	ווע	O NC	JIOL.	1111	- 110	.001	יום	IVL	11
18. Termina		<u> </u>		/lo D									П	, IVIO	120													_
	Α	. Dat	ie			E	3. Time (24 H	lr C	lock)																		
- ·				8 1	3 0	1					0	9 0	5															
Section IV			Syster		O F	-4 h !	-1		1			T ~	4 -			A:II												
19. Type of	•		_ _		0. Eve	nt Nur							1. PI	rımar	y or I	VIIII												
	ity code)		E 1	5				υ 9	7	5	3 1	9																
22. Signatur	re																			23	3. AR	Num	ber					l
JANE JC	NES																							_	0 2	2 1	3	6
MSHA Form	7000-3	Mar	85 (R	avisad'	·			-						-		-					-							

104(e)(2) ORDER - ISSUANCE AND TERMINATION

Mine Citation/Order Continuation

U.S. Department of LaborMine Safety and Health Administration

Section I Subse	quent Act	ion/Continuat	ion Data																			
1. Subsequent Ad	tion 1a	a. Continuation	n 2. Dated (Original Is	sue)		/lo 6	D:		Yr 0	1	3.	Citation/C Number	Order	8	8	3	4 !	5	6 7	-	0	1
4. Served To							5. (Oper	ato	r	I											
JANE SMITHS	SON, OWN	NER						BEC	RC	OCK I	MINING (COMPAN	<u> </u>									
6. Mine							7. 1	Mine	ID													
BEDROCK MI	NE									5	6 - 0	7 8 9	1 -		(co	ntr	acto	r)				
Section II Justif	cation for	Action														_						
Bedrock Mine	has gone	90 days from	the issuance of a	Notice	of F	Patt	tern	of V	/iola	ations	without	being cite	d for a violat	ion	whi	ch (coul	<u></u>				
			te to the cause ar																			
		-	wal issued pursua						_													
Accordingly, th	e Notice o	of Pattern of V	iolations is termin	nated.																		
		of a 104(e) N	otice of Pattern of	Violatio	ons	wa	s is	suec	d af	ter th	e mine o	perator we	ent 90 days v	with	out	any	/ "S8	<u>&S"</u>	1			
violatio	ns issued.																					
-																						_
																—		—				_
													5	See	Cor	ntin	uatio	on F	Form	1		
Section III Subs	equent Ac	tion Taken																				_
8. Extended To	A. Date	Mo D	a Yr B. Time	(24 Hr.	. Cl	ock)				C. Va	acated	D. Terr	min	ated	t	Χ	Ε.	Moc	lified	t	
Section IV Insp	ection Dat	a	1 1 1																			
9. Type of Inspec	tion		Event Number	0 1	3	5	7	9	1													
11. Signature				AR	Nui	mbe	er	12. I	Dat	е	Mo [Da Yr	13. Time (2	4 H	r. Cl	locl	k)		\top			
JANE JONES				0 2							0 9 1	3 0 1							1	0	0	0
		05 (D : 1)																			ш	_

MSHA Form 7000-3a, Mar 85 (Revised)

104(e) TERMINATION OF NOTICE OF PATTERN OF VIOLATIONS

U.S. Department of LaborMine Safety and Health Administration

Section I Violation Data	
1. Date Mo Da Yr 2. Time (24 Hr. Clock) 3. Citation/Ord	der
0 7 1 0 0 1 0 7 2 0 Number	4 4 1 0 1 8 3
4. Served To 5. Operator	
RICHARD JONES, SAFETY DIRECTOR INTER CEMENT CORPORATION	
6. Mine 7. Mine ID	
ICC MILL 7 5 - 0 0 0 2 4 -	(contractor)
8. Condition or Practice 8a. V	Vritten Notice (103g)
Cement dust accumulations on the roof of the No. 2 kiln building and a loss of structural integrity caused the roof to	
at 0630 hours on this date. Structural steel and debris were being cleaned up to allow the installation of temporary	
remaining north side. The buildup of cement dust on the roof of the No. 2 kiln must be removed and a structural inte	0 , ,
must be completed and given to MSHA prior to allowing personnel into the area under the roof. An oral 107(a) immi	inent danger
order was issued to James Town, Mill Foreman, on the mill floor at 0720 hours this date.	
NOTE: Do not complete Section I, Item 9C and Section II, Items 10 and 11.	
See Continuation Form (MS	SHA Form 7000-3a)
9. Violation A. Health	
Safety B. Section C. Part/Section of	
Other of Act - Title 30 CFR .	
Section II Inspector's Evaluation	
10. Gravity:	
A. Injury or Illness (has) (is): No Likelihood Unlikely Reasonably Likely Highly Likely	Occurred
B. Injury or Illness could rea-	
	ently Disabling Fatal
C. Significant and Substantial (See Reverse): Yes No D. Number of F	Persons Affected
11. Negligence (check one)	CISCIIS / IIICOLCU
	. Reckless Disregard
12. Type of Action 13. Type of Issuance (check one)	
1 0 7 - a - , - - Citation Order X	Safeguard
14. Initial Action D. Written E. Citation	F. Dated Mo Da Yr
A. Citation B. Order C. Safeguard Notice Order	
15. Area or Equipment	
NUMBER 2 KILN BUILDING	
Nomber 2 Men delicano	
16. Termination Due Mo Da Yr	
A. Date	
Hr. Clock)	
Section III Termination Action 17. Action to Terminate	
T. 7 Caloff to Terminate	
18. Terminated Mo Da Yr	
A. Date	
Section IV Automated System Data	
19. Type of Inspection 20. Event Number 21. Primary or Mill 21. Primary or Mill	
(activity code) E 0 1 0 0 8 8 3 0 1	AD North and The Total
22. Signature 23.	AR Number
JOHN REDWOOD	0 3 3 3 3
MSHA Form 7000-3 Mar 85 (Revised)	

107(a) ORDER - IMMINENT DANGER NO VIOLATION OF A MANDATORY STANDARD

U.S. Department of LaborMine Safety and Health Administration

Section I Violation Data	
1. Date Mo Da Yr 2. Time (24 Hr. Clock) 3. Citation/Order	
0 7 1 0 0 1 0 9 0 0 Number 4 4 1 0 1 8	4
4. Served To 5. Operator	·
RICHARD JONES, SAFETY DIRECTOR INTER CEMENT CORPORATION	
6. Mine	
ICC MILL 7 5 - 0 0 0 2 4 - (contractor)	
8. Condition or Practice 8a. Written Notice (103g)	\exists
	_
Two mechanics were not wearing life jackets when repairing a broken six-inch dredge discharge line approximately 100 yards offshore.	_
The discharge line was located atop flotation barrels positioned between the dredge and the shore. The water depth was estimated to be 32	
feet. At the broken spot, one mechanic was sitting on a flotation barrel. The other mechanic was adjacent to the first miner in a wooden	
boat. The second mechanic was bending over the side trying to repair the line. Neither employee knew how to swim. Life jackets	
were available and the foreman had instructed the employees to use them.	
An oral 107(a) imminent danger order was issued to Bob Smith, Foreman, at 0900 hours on this date.	
Citation No. 4410185 is being issued in conjunction with this order.	
Con Continuation Form (MCHA Form 7000 2c)	_
See Continuation Form (MSHA Form 7000-3a)	닉
9. Violation A. Health	
Safety B. Section C. Part/Section of	
Other of Act - Title 30 CFR	
10. Gravity:	—
A. Injury or Illness (has) (is): No Likelihood Unlikely Reasonably Likely Highly Likely Occurred	
B. Injury or Illness could rea-	
sonably be expected to be: No Lost Workdays Lost Workdays or Restricted Duty Permanently Disabling Fatal	
C. Significant and Substantial (See Reverse): Yes No D. Number of Persons Affected	П
11. Negligence (check one)	
A. None B. Low C. Moderate D. High E. Reckless Disregard	
12. Type of Action 13. Type of Issuance (check one)	
1 0 7 - a - Citation Order X Safeguard	
14. Initial Action D. Written E. Citation/ F. Dated Mo Da Yr	ſ
A. Citation B. Order C. Safeguard Notice Order Number	
15. Area or Equipment	_
JOHN JONES, TOM SMITH - MECHANICS	
40 Targitatia Dadi Lina Lina Lina Lina Lina Lina Lina Lin	
16. Termination Due Mo Da Yr B. Time (24	
Hr. Clock)	
Section III Termination Action	_
17. Action to Terminate	
18. Terminated Mo Da Yr	—
A. Date A. Date B. Time (24 Hr Clock)	
Section IV Automated System Data	_
19. Type of Inspection 20. Event Number 21. Primary or Mill	
(activity code) E 0 1 0 0 8 8 3 0 1	
22. Signature 23. AR Number	\neg
	_
JOHN REDWOOD 0 3 3 3 3 MSHA Form 7000-3 Mar 85 (Revised)	3
MICHAEL ONLY 1000 O MICH DO (IZENISEU)	

107(a) ORDER - IMMINENT DANGER VIOLATON OF A MANDATORY STANDARD

U.S. Department of LaborMine Safety and Health Administration

Section I Violation Data	
1. Date Mo Da Yr 2. Time (24 Hr. Clock) 3. Citation/Order	
0 7 1 0 0 1 0 9 0 0 Number 4 4 1 0 1 8	5
4. Served To 5. Operator	
RICHARD JONES, SAFETY DIRECTOR INTER CEMENT CORPORATION	
6. Mine 7. Mine ID	
ICC MILL 7 5 - 0 0 0 2 4 - (contractor)	
8. Condition or Practice 8a. Written Notice (103g)	\Box
	_
Two mechanics were not wearing life jackets when repairing a broken six-inch dredge discharge line approximately 100 yards offshore.	
The discharge line was located atop flotation barrels positioned between the dredge and the shore. The water depth was estimated to be 32	
feet. At the broken spot, one mechanic was sitting on a flotation barrel. The other mechanic was adjacent to the first miner in a wooden	
boat. The second mechanic was bending over the side trying to repair the line. Neither employee knew how to swim. Life jackets	
were available and the foreman had instructed the employees to use them.	
This condition was a factor that contributed to the issuance of imminent danger order No. 4410184 dated 7/10/01. Therefore, no abatement	
time was set.	
See Continuation Form (MSHA Form 7000-3a)	\exists
9. Violation A. Health	
Safety B. Section C. Part/Section of	
Other of Act - Title 30 CFR 5 6 . 1 5 0 2 0	1
Section II Inspector's Evaluation	
10. Gravity:	
A. Injury or Illness (has) (is): No Likelihood Unlikely Reasonably Likely Highly Likely X Occurred	
B. Injury or Illness could rea-	
	Χ
C. Significant and Substantial (See Reverse): Yes X No D. Number of Persons Affected 0 0	2
11. Negligence (check one)	
A. None B. Low C. Moderate X D. High E. Reckless Disregard	
42 Type of Action	
12. Type of Action	
1 0 4 - a -	
14. Initial Action D. Written E. Citation/ F. Dated Mo Da Yi	r
A. Citation B. Order C. Safeguard Notice Order	
Number	
15. Area or Equipment	
16. Termination Due Mo Da Yr	
A. Date B. Time (24	
Section III Termination Action	_
17. Action to Terminate	
40 Terminated	
18. Terminated	
7. Bato	
Section IV Automated System Data	
19. Type of Inspection 20. Event Number 21. Primary or Mill	
(activity code) E 0 1 0 0 8 8 3 0 1	
22. Signature 23. AR Number	٦
<u> </u>	2
	3
MSHA Form 7000-3 Mar 85 (Revised)	

104(a) CITATION ISSUED FOR A CONDITION IN 107(a) ORDER

U.S. Department of LaborMine Safety and Health Administration

Section I Violation Data	
1. Date Mo Da Yr 2. Time (24 Hr. Clock)	3. Citation/Order
0 8 1 7 0 1	1 1 1 1 1 1 1 1 1
4. Served To	5. Operator
John Smith, Mine Foreman	J and S Coal Company, Inc.
	7. Mine ID
6. Mine	
No. 1	4 4 - 0 3 5 3 6 - (contractor)
8. Condition or Practice	8a. Written Notice (103g)
Safe seating facilities were not provided for repairmen who were ridir	ng on top of a 6-ton track locomotive with their legs hanging over the front end.
One man was approximately 8 inches from the bare trolley wire. To	reach its destination, the locomotive had to pass through a low area (14 inches
from the top of the locomotive to the roof) 300 feet ahead of a steep	grade. Tom Davis, Chief Electrician, was operating the locomotive (No. 29)
near the mouth of the 2 east section. This is an imminent danger. A	n oral imminent danger order was issued to Tom Davis at 0915 hours.
This hazard has been cited on other occasions. The underlying cause	se was that management was not enforcing its written rule nor the safeguard
	e safely seated prior to operating or being transported on mobile equipment.
A separate citation for a violation of 75.1403 (#4410012) is being issu	
77 doparate situation of a violation of 70.1 100 (#1110012) to boiling took	aca in conjunction with the crack.
	See Continuation Form (MSHA Form 7000-3a)
9. Violation A. Health	
Safety B. Section	C. Part/Section of
Other of Act	Title 30 CFR
Section II Inspector's Evaluation	Title 30 CFK
10. Gravity:	
A. Injury or Illness (has) (is): No Likelihood Unlikely	Reasonably Likely Highly Likely Occurred
	3, 1, 1
B. Injury or Illness could reasonably be expected to be: No Lost Workdays Lost	t Workdays or Restricted Duty Permanently Disabling Fatal
Soliably be expected to be. No Lost Workdays Lost	r entialiently disabiling 1 atal
C. Significant and Substantial (See Reverse): Yes No	D. Number of Persons Affected
11. Negligence (check one)	
A. None B. Low C. Moderate	D. High E. Reckless Disregard
12. Type of Action	B. Type of Issuance (check one)
1107 - 121 - 1 1 1 1 1 - 1 - 1	Citation Order X Safeguard
' ' ' - a - , - -	Citation Order A Saleguard
14. Initial Action D. Writte	en E. Citation/ F. Dated Mo Da Yr
A. Citation B. Order C. Safeguard Notic	e 🔲 Order
	Number
15. Area or Equipment	
The transportation system used by the maintenance crews.	
16. Termination Due Mo Da Yr	
A. Date	
Hr. Clock)	
Section III Termination Action	! -! -! -!
17. Action to Terminate	
Suitable transportation was provided for the two repairmen. All the repa	
instructed in safe operating procedures for operating and riding transpor	tation equipment
18. Terminated Mo Da Yr	
A. Date B. Time (24 Hr Clock)	
0 8 1 8 0 1	0 7 3 0
Section IV Automated System Data	
19. Type of Inspection 20. Event Number	21. Primary or Mill
(activity code) E 0 1 0 8 8 8	2 5
22. Signature	23. AR Number
James Lee	2 0 7 7 7
MSHA Form 7000-3 Mar 85 (Revised)	[2]0[7]7]7
MOTIVE ONLEGATION	

107(a) ORDER - IMMINENT DANGER WITH UNDERLYING CAUSES

September 2005 45 Appendix A

U.S. Department of Labor

Mine Safety and Health Administration

Section I Violat	ion Dat	ta																										
1. Date Mo	Da	Yr	2.	Time	(24 l	Hr. Clo	ock)											3.	Cita	tion	/Orde	r						
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4. Served To												pera																
John Smith, M	line Fo	remar	1								_			Coal C	Comp	any	, Inc).										
6. Mine											7. N	line I	D															
No. 1														4 4	-	0	3 5	3	6	-	لِل	•		acto				
8. Condition or P	ractice																			8	a. Wr	itten i	Votic	;e (1	103g)			<u> </u>
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Safe seating f			_									_		_									_				24	
Chief Electrici Therefore, no						oi the	iaciois	เทลเ	CONL	ibui	ea to	trie	issua	ance	OI III	IIIIIII	ieni	Dan	gei	Old	er ivo	. 441(JU 1 1	uai	eu o	17/0	JI.	
Therefore, no	abaten	ilenit ti	IIIC W	743 30	, .																							
															See	e Co	ntin	uatic	n F	orm	(MSF	IA Fo	rm 7	'000	-3a)			
9. Violation A. H	ealth																							T		T		
S	Safety		В. 9	Section	on							(C. Pa	art/S	ectio	n of				7 5	5	1 4	0	3				
C	Other			of Ac	t		-	-					Ti	tle 30) CFI	R												
Section II Inspe	ector's	Evalua	ation																									
10. Gravity: A. Injury or Illn	ess (ha	s) (is)): N	o Like	elihoo	d	U	Inlike	ely		R	easo	nab	ly Lik	kely			H	ligh	ly Lil	kely 2	X		Ос	curre	d		
B. Injury or	Illness	could	rea-																									
sonably b				N	lo Los	t Wor	kdays			Los	t Wor	kday	s or	Rest	tricte	d Du	ıty		ı	Pern	naner	tly Di	sabl	ing	X	Fata	al	
C. Significan	t and S	Substa	ntial ((See	Reve	rse):	Yes	Х	N	lo								D. 1	Num	ber	of Pe	rsons	Affe	ectec	t	\Box'	0 0	2
11. Negligence (A. None	check o	ne)		B. Lo	w			C.	Mode	erate	Э		1		D. H	igh		X			E. I	Reckl	ess	Disr	egarc	ı Г	1	
10 Type of Actio		1 1	$\neg \neg$		П	Ħ				10) T		J Janu				2001								<u> </u>			
12. Type of Actio		0 4	4 -	a -		,		-	-	13	3. Typ Cit	ation		lance	X	SCK C	л е)		Orde	r			Safe	egua	ard			
14. Initial Action		 							D. V	N/ritt	on		 -	Cita	tion							. Date	nd.	\top	Мо	Da	Τ,	′r
A. Citation		3. Ord	ler		C. S	afegu	ard X			lotic			L.	Orde Num	er	4 (0 1	1	3	3		. Dali	-u			0		1
15. Area or Equip	ment												<u> </u>	11011														<u> </u>
16. Termination I		. Date	·	0 0	Da	Yr 	B. Ti	,																				
Section III Terr	nination	n Actio	on				П	lr. Cl	ock)																			
17. Action to Terr		171011																										
Suitable transpor	tation v	vith ac	supek	ate se	ating	faciliti	ies was	pro\	vided	for	the tv	vo re	pair	men														
18. Terminated	A. Da		Mo 0 8	Da 1 8	Yr 0	1 B.	Time (2	24 Hı	r Clo	ck)	0	7 3	0															
Section IV Auto	moto-	Synta		nto.																								
		Jysie	711 D		Event	Numl	hor		П	T	П	1 1	1 D	rima	n, or	VV:II			1							—		
19. Type of Inspe		₋ ,	اړل	∠∪.	-ven	inum			, ا				ı. P	ııınal	y Of	IVIIII												
(activity co	de)	E (0 1				(א וע	8 8	8 8	2	5										- · ·						1
22. Signature																					23. A	K Nur	mbe	Γ				
James Lee																									2	0	7 7	7
MSHA Form 700	0-3 Ma	r 85 (F	Revis	ed)				_				_			_				_					_	-			_

104(a) CITATION - CONTRIBUTING FACTOR IN IMMINENT DANGER ORDER BASED ON PREVIOUSLY ISSUED NOTICE TO PROVIDE SAFEGUARD

September 2005 46 Appendix A

U.S. Department of LaborMine Safety and Health Administration

Section I Violation Data			
1. Date Mo Da Yr 2. Time (24 Hr. Clock)			3. Citation/Order
0 8 1 9 0 1	0 9	3 0	Number 4 4 1 0 0 1 3
4. Served To	1 1		5. Operator
John Smith, Mine Foreman			J and S Coal Company, Inc.
6. Mine			7. Mine ID
No. 1			4 4 - 0 3 5 3 6 - (contractor)
10. 1			
8. Condition or Practice			8a. Written Notice (103g)
The following conditions, which collectively constitute an			
	the w	orking 1	ace of No. 2 entry where coal was being mined with a continuous
mining machine. [30CFR 75.325(a)(1)]	75		
2. The air at the face of the No. 2 entry contained 2.3. The permissible methane detector carried by the			
The permissible memane detector carried by the second real second representations and the second representation of the continuous mining members are second representations.			
			ins. Separate citations and/or orders will be issued for all violations
included in this Order of Withdrawal.	Tat Us	300 1100	iis. Separate citations and/or orders will be issued for all violations
(See Example No. 18 for an example of one citation is	ssued	l for a v	iolation included in this Order of Withdrawal)
(COO Example No. 10 for all example of one challer)	00000	1101 4 1	See Continuation Form (MSHA Form 7000-3a)
9. Violation A. Health	П	П	
Safety B. Section			C. Part/Section of
Other of Act -			Title 30 CFR
Section II Inspector's Evaluation			
10. Gravity:	برادماير		Reasonably Likely Highly Likely Occurred
	nlikely	Ш	Reasonably Likely Highly Likely Occurred
B. Injury or Illness could rea-		Loot	Workdown or Bookripted Duty Dermonantly Dipobling Detail
sonably be expected to be: No Lost Workdays	Ш_	LOSI	Workdays or Restricted Duty Permanently Disabling Fatal
C. Significant and Substantial (See Reverse): Yes		No	D. Number of Persons Affected
11. Negligence (check one)			
A. None B. Low	C. M	oderate	D. High E. Reckless Disregard
12. Type of Action		13	. Type of Issuance (check one)
1 0 7 - a - , -	-	-	Citation Order X Safeguard
14. Initial Action	Щ	. Writte	en E. Citation/ F. Dated Mo Da Yr
A. Citation B. Order C. Safeguard	1	Notice	
			Number
15. Area or Equipment The 2 left mains section from the dumping point inby to the	workir	na face	
The 2 let maine decident from the damping point may to the	WOTTER	ng laco	
16. Termination Due Mo Da Yr			
	ne (24		
Section III Termination Action	. Cloc	K)	
17. Action to Terminate			
18. Terminated Mo Da Yr A. Date B. Time (24	4 Hr C	Clock)	
71. Bate	+ 1 II C	Jiook)	
Section IV Automated System Data			
19. Type of Inspection 20. Event Number			21. Primary or Mill
	8 8	8 8	
22. Signature			23. AR Number
James Lee			2 0 7 7 7

MSHA Form 7000-3 Mar 85 (Revised)

107(a) WITHDRAWAL ORDER - IMMINENT DANGER AND MULTIPLE MANDATORY STANDARDS VIOLATED IN THE ORDER

U.S. Department of LaborMine Safety and Health Administration

Section I Violation Data	
1. Date Mo Da Yr 2. Time (24 Hr. Clock)	3. Citation/Order
0 8 1 9 0 1	Number 4 4 1 0 0 1 4
	5. Operator
John Smith, Mine Foreman 6. Mine	J and S Coal Company, Inc. 7. Mine ID
No. 1	4 4 - 0 3 5 3 6 - (contractor)
8. Condition or Practice	8a. Written Notice (103g)
or condition or reading	cai militari (100g)
The only permissible methane detector available on the 2 left mains se	ction was inoperable. According to Billy Bow. Section Foreman, he
reported the condition of the detector to his immediate supervisor (John	
	mminent Danger Order No. 4410013 dated 8/19/01. Therefore, no abatement
time was set.	
Note: Appropriate action must be taken for all violations contained in	n a 107(a) Order.
	See Continuation Form (MSHA Form 7000-3a)
9. Violation A. Health	
Safety B. Section	C. Part/Section of 7 5 3 2 0
Other of Act	Title 30 CFR
Section II Inspector's Evaluation	
10. Gravity:	
A. Injury or Illness (has) (is): No Likelihood Unlikely	Reasonably Likely Highly Likely X Occurred
B. Injury or Illness could rea-	
sonably be expected to be: No Lost Workdays Lost	Norkdays or Restricted Duty X Permanently Disabling Fatal
C. Significant and Substantial (See Reverse): Yes X No	D. Number of Persons Affected 0 0 7
11. Negligence (check one)	+ + + + + + + + + + + + + + + + + + + +
A. None B. Low C. Moderate	D. High X E. Reckless Disregard
12. Type of Action 13.	Type of Issuance (check one)
1 0 4 - a - , - -	Citation X Order Safeguard
	onanon on one of our of
14. Initial Action D. Writter	
A. Citation B. Order C. Safeguard Notice	Order
15. Area or Equipment	
4C Tempination Dual May Day Va	
16. Termination Due	
Hr. Clock)	
Section III Termination Action	
17. Action to Terminate	
18. Terminated Mo Da Yr	
A. Date B. Time (24 Hr Clock)	
Section IV Automated System Data	
Section IV Automated System Data	24 Drimon, or Mill
19. Type of Inspection 20. Event Number 20. 8. 8. 9. 9. 9. 9. 9. 9. 9. 9. 9. 9. 9. 9. 9.	21. Primary or Mill
	3 0
22. Signature	23. AR Number
James Lee	2 0 7 7 7
MSHA Form 7000-3 Mar 85 (Revised)	

104(a) CITATION - ISSUED FOR A CONDITION IN 107(a) ORDER NO. 4410013

U.S. Department of LaborMine Safety and Health Administration

Section I Violation Data	
1. Date Mo Da Yr 2. Time (24 Hr. Clock) 3. Citation/Order	
0 8 2 3 0 1 1 0 0 0 Number 4 4 1 1 1 1	0
4. Served To 5. Operator	U
JOSEPH COMBS, FOREMAN SENTINEL AGGREGATES	
6. Mine	—
SINTENEL MINE	
8. Condition or Practice 8a. Written Notice (103g)	$\overline{}$
or container or received	ш
Two employees were not wearing life jackets while working from a platform in about 20 feet of water. The platform was constructed	
of four barrels, about 24" in diameter and 36" long, tied together with pieces of hemp rope. The employees were using the platform	
to provide access to the dewatering pump. The foreman stated that he and the employees always use the platform access to prime	_
the pump or perform maintenance work on it. The foreman engaged in an aggravated conduct constituting more than ordinary negligence.	
This violation is an unwarrantable failure to comply with a mandatory standard. This violation is one of the factors cited in imminent danger	
order No. 4411109 dated 8/23/01. Therefore, no abatement time was set.	
	_
See Continuation Form (MSHA Form 7000-3a)	Щ
9. Violation A. Health	
Safety B. Section	
Other of Act - Title 30 CFR 5 6 . 1 5 0 2 0	Ш
10. Gravity:	—
A. Injury or Illness (has) (is): No Likelihood Unlikely Reasonably Likely Highly Likely Occurred	
B. Injury or Illness could rea-	
sonably be expected to be: No Lost Workdays Lost Workdays or Restricted Duty Permanently Disabling Fatal	X
C. Significant and Substantial (See Reverse): Yes X No D. Number of Persons Affected 0 0	2
11. Negligence (check one)	
A. None B. Low C. Moderate D. High X E. Reckless Disregard	
12. Type of Action 13. Type of Issuance (check one)	_
1 0 4 - d - 1 ,	
AA Initial Astian	/-
14. Initial Action D. Written E. Citation F. Dated Mo Da Notice Order C. Safeguard Notice	/r
15. Area or Equipment	_
16. Termination Due Mo Da Yr	—
A. Date B. Time (24	
Hr. Clock)	
Section III Termination Action 17. Action to Terminate	
Tr. Action to Terminate	—
18. Terminated Mo Da Yr	_
A. Date B. Time (24 Hr Clock)	
Section IV Automated System Data	
19. Type of Inspection 20. Event Number 21. Primary or Mill	
(activity code) E 0 1 0 9 9 5 5 7 6	
22. Signature 23. AR Number	\square
JOHN REDWOOD 0 3 3 3	3
MSHA Form 7000-3 Mar 85 (Revised)	ت

104(d)(1) CITATION ISSUED AS PART OF A 107(a) IMMINENT DANGER ORDER

U.S. Department of LaborMine Safety and Health Administration

Section I Violation Data	
1. Date Mo Da Yr 2. Time (24 Hr. Clock) 3. Citation/Order	
0 7 1 0 0 1 1 0 0 0 Number 4 4 1 0	1 8 7
4. Served To 5. Operator	
RICHARD JONES, SAFETY DIRECTOR INTER CEMENT CORPORATION	
6. Mine 7. Mine ID	
ICC MILL 7 5 - 0 0 0 2 4 - (contractor)	
8. Condition or Practice 8a. Written Notice (103g)	
Two mechanics were not wearing life jackets when repairing a broken dredge discharge line approximately 100 yards offshore.	
The discharge line was located on top of barrels located between the dredge and the shore. The water depth was estimated to be 32 feet.	
At the broken spot, one mechanic was sitting on a barrel and the other mechanic was next to the first mechanic in a wooden boat.	
The second mechanic was bending over the side of the boat trying to repair the line. Neither mechanic knew how to swim. Reportedly,	
Foreman Smith discouraged them from taking the life jackets from the store room. Foreman Smith engaged in aggravated conduct	
constituting more than ordinary negligence by not allowing the two employees to use the life jackets. This violation is an unwarrantable	
failure to comply with a mandatory standard. This violation is a factor cited in imminent danger order No. 4410184 issued 7/10/01.	
.,,	
See Continuation Form (MSHA Form 7000-3a)	
9. Violation A. Health	$\neg \vdash$
Safety B. Section C. Part/Section of	
Other of Act - Title 30 CFR 5 6 . 1 5 0 2 0	
Section II Inspector's Evaluation	
10. Gravity:	
A. Injury or Illness (has) (is): No Likelihood Unlikely Reasonably Likely Highly Likely X Occurred	
B. Injury or Illness could rea-	
sonably be expected to be: No Lost Workdays Lost Workdays or Restricted Duty Permanently Disabling Fai	al X
C. Significant and Substantial (See Reverse): Yes X No D. Number of Persons Affected	0 0 2
11. Negligence (check one)	
A. None B. Low C. Moderate D. High E. Reckless Disregard	X
12. Type of Action 13. Type of Issuance (check one)	
1 0 4 - d - 1 Citation Order X Safeguard	
14. Initial Action D. Written E. Citation F. Dated Mo Da	a Yr
A. Citation X B. Order C. Safeguard Notice Order 4 4 1 0 1 4 5 0 6 1	0 0 1
15. Area or Equipment	
JOHN JONES, TOM SMITH - MECHANICS	
00.11100.120, 10.1111111	
16. Termination Due Mo Da Yr	
A. Date B. Time (24	
Hr. Clock)	
Section III Termination Action	
17. Action to Lerminate	
18. Terminated Mo Da Yr	
A. Date B. Time (24 Hr Clock)	
["-"]	
Section IV Automated System Data	-
19. Type of Inspection 20. Event Number 21. Primary or Mill	
(activity code) E 0 1 0 0 8 8 3 0 1	
22. Signature 23. AR Number	
JOHN REDWOOD MOUA From 7000 0 Mar 05 (Paristal)	3 3 3
MSHA Form 7000-3 Mar 85 (Revised)	

104(d)(1) ORDER ISSUED AS PART OF 107(a) ORDER

U.S. Department of LaborMine Safety and Health Administration

Section I Violation Data
1. Date Mo Da Yr 2. Time (24 Hr. Clock) 3. Citation/Order
0 8 3 1 0 1 Number 4 4 1 0 0 1
4. Served To 5. Operator
John Smith, Mine Foreman J and S Coal Company, Inc.
6. Mine 7. Mine ID
No. 1 4 4 - 0 3 5 3 6 - (contractor)
8. Condition or Practice 8a. Written Notice (103g)
The trailing cable to the No. 2 shuttle car on 1st left section contained five poorly made temporary splices. Three of the splices had exposed,
uninsulated conductors. The condition of the temporary splices contributes substantially to a fire or electrical shock hazard. The condition of
the cable was reported in the preshift examiner's book on 8/28/01 and 8/29/01. The mine operator was engaged in aggravated conduct by
acknowledging a safety hazard and not taking corrective action. This violation is an unwarrantable failure to comply with a mandatory standard.
This violation is one of the factors cited in Imminent Danger Order No. 4410028 issued 8/31/01.
See Continuation Form (MSHA Form 7000-3a)
9. Violation A. Health B. Section C. Part/Section of
Other of Act - Title 30 CFR 7 5 . 6 0 3
Section II Inspector's Evaluation
10. Gravity:
A. Injury or Illness (has) (is): No Likelihood Unlikely Reasonably Likely Highly Likely X Occurred
B. Injury or Illness could rea-
sonably be expected to be: No Lost Workdays Lost Workdays or Restricted Duty Permanently Disabling Fatal
C. Significant and Substantial (See Reverse): Yes X No D. Number of Persons Affected 0 0
11. Negligence (check one) A. None B. Low C. Moderate D. High X E. Reckless Disregard
12. Type of Action 13. Type of Issuance (check one)
1 0 4 - d - 1 ,
At Initial Astian
14. Initial Action A. Citation X B. Order C. Safeguard Notice Order 4 4 1 0 0 1 5 F. Dated Mo Da Yr
15. Area or Equipment
No. 2 shuttle car on 1st left section
16. Termination Due A. Date Mo Da Yr A. Date B. Time (24
Section III Termination Action
17. Action to Terminate
18. Terminated A. Date A. Date B. Time (24 Hr Clock)
Section IV Automated System Data
19. Type of Inspection 20. Event Number 21. Primary or Mill
(activity code) E 0 1 0 8 8 8 3 1
22. Signature 23. AR Number
James Lee 2 0 7 7
MSHA Form 7000-3 Mar 85 (Revised)

104(d)(1) ORDER ISSUED AS PART OF A 107(a) IMMINENT DANGER ORDER

U.S. Department of LaborMine Safety and Health Administration

Section I Violation Data	
1. Date Mo Da Yr 2. Time (24 Hr. Clock)	3. Citation/Order
0 8 3 0 0 1	Number 4 4 1 0 1 8 9
4. Served To	5. Operator
JOHN BANKS, MINER	BOGGY MINING COMPANY
6. Mine	7. Mine ID
CLAIM NUMBER 3	9 3 - 0 1 2 3 4 - (contractor)
8. Condition or Practice	8a. Written Notice (103g)
A miner (John Banks) was smoking a cigarette at the underground ex	xplosives magazine. Six open boxes of explosives were
within three feet of the miner. Mr. Banks also had one opened pack	of cigarettes and a lighter on his person. Company personnel
were aware that Mr. Banks routinely smoked in and around the maga	azine.
This is to inform Mr. Banks that he will receive a Notification of Propo	, , ,
smoking near explosives as required by Section 110(g) of the Mine A	Act.
NOTE: The important physical efforces the physical basic distribution of distributions	and the table and an all and the area to be an all all the area (with
the miner's address) is attached to the violation and the package is n	ss so that the proposed civil penalty may be mailed to him. A letter (with
In this case, a 107(a) imminent danger order and a 104(a) citation for	
In this case, a for (a) infinitent danger order and a for (a) challot for	See Continuation Form (MSHA Form 7000-3a)
9. Violation A. Health	
Safety B. Section	C. Part/Section of
Other of Act 1 1 0 - g	Title 30 CFR 5 7 . 6 9 0 4
Section II Inspector's Evaluation	
10. Gravity:	
A. Injury or Illness (has) (is): No Likelihood Unlikely	Reasonably Likely X Highly Likely Occurred
B. Injury or Illness could rea-	
sonably be expected to be: No Lost Workdays Lost	t Workdays or Restricted Duty Permanently Disabling Fatal X
C. Significant and Substantial (See Reverse): Yes X No	D. Number of Persons Affected 0 0 1
11. Negligence (check one)	
A. None B. Low C. Moderate	e D. High X E. Reckless Disregard
12. Type of Action	3. Type of Issuance (check one)
<i>"</i>	Citation Order Safeguard
14. Initial Action D. Writte	
A. Citation B. Order C. Safeguard Notic	ee Order
15. Area or Equipment	
16. Termination Due Mo Da Yr A. Date I B. Time (24	
Hr. Clock)	
Section III Termination Action	
17. Action to Terminate	
18. Terminated Mo Da Yr	
A. Date B. Time (24 Hr Clock)	
Section IV Automated System Data	
19. Type of Inspection 20. Event Number	21. Primary or Mill
(activity code) E 0 1 0 0 7 6 3	
22. Signature	23. AR Number
TED JOHNSON	0 4 7 8 9
MSHA Form 7000-3 Mar 85 (Revised)	

110(g) NOTICE - MINER SMOKING IN PROHIBITED AREA

U.S. Department of LaborMine Safety and Health Administration

Section I Violation Data	
1. Date Mo Da Yr 2. Time (24 Hr. Clock)	3. Citation/Order
0 8 2 2 0 1	Number 4 4 1 0 0 2 3
4. Served To	5. Operator
Edgar Simms, Locomotive Operator	J and S Coal Company, Inc.
6. Mine	7. Mine ID
No. 1	4 4 - 0 3 5 3 6 - (contractor)
8. Condition or Practice	8a. Written Notice (103g)
Edgar Simms was holding a lighted cigar while operating a track local	omotive near the 2 North switch. The switch is located approximately one
	eman, revealed a butane lighter and one other cigar. This is notification that
Mr. Simms will receive a civil penalty for violating a mandatory safety	y standard related to smoking. Mr. Simms address is: PO Box 317,
Anytown, USA, 99999.	
(A violation will be issued to the mine operator for the sa	ame standard.)
-	
	See Continuation Form (MSHA Form 7000-3a)
9. Violation A. Health	See Commission Form (Moral To Commission)
Safety B. Section	C. Part/Section of
Other of Act 1 1 0 - g	Title 30 CFR 7 5 . 1 7 0 2
Section II Inspector's Evaluation	
10. Gravity:	
A. Injury or Illness (has) (is): No Likelihood Unlikely	Reasonably Likely X Highly Likely Occurred
B. Injury or Illness could rea-	
sonably be expected to be: No Lost Workdays Los	t Workdays or Restricted Duty Permanently Disabling Fatal X
C. Significant and Substantial (See Reverse): Yes X No	D. Number of Persons Affected 0 0 1
11. Negligence (check one)	
A. None B. Low C. Moderat	e D. High X E. Reckless Disregard
12. Type of Action	3. Type of Issuance (check one)
	Citation Order Safeguard
	oldion outgate
14. Initial Action D. Writ	
A. Citation B. Order C. Safeguard Notic	ce Order
15. Area or Equipment	
16. Termination Due Mo Da Yr	
A. Date B. Time (24	
Hr. Clock)	
Section III Termination Action 17. Action to Terminate	
The Mine Foreman removed Edgar Simms and the smoking materials f	rom the mine
The fill of the fi	
18. Terminated Mo Da Yr	
A. Date B. Time (24 Hr Clock)	
Section N/ Automated Section Date	
Section IV Automated System Data	24 Drimony or Mill
19. Type of Inspection 20. Event Number 20. 0.00 0.00 0.00 0.00 0.00 0.00 0.00	21. Primary or Mill
(activity code) E 0 1 0 8 8 8	
22. Signature	23. AR Number
James Lee	2 0 7 7 7
MSHA Form 7000-3 Mar 85 (Revised)	

110(g) NOTICE - MINER SMOKING IN PROHIBITED AREA

U.S. Department of LaborMine Safety and Health Administration

1. Date	Section I Violation Data	
4. Served To SYDNEY JONES, PRESIDENT	1. Date Mo Da Yr 2. Time (24 Hr. Clock)	3. Citation/Order
4. Served To SYDNEY JONES, PRESIDENT		Number 4410190
SYDNEY JONES, PRESIDENT TMC MINING COMPANY 7. Mine ID 7 12 - 0 0 0 1 2 - 1		
7. Mine ID		·
TRIANGLE MINE		
There were no speed limit signs posted along the unbermed portion of the main service road. This is a violation of Condition No. 3 of the Granted Modification of Mandatory Standard 58 3300 (Docker MM-93-20-M), which specifically requires signs to be posted along the unbermed portion. The Assistant Safety Manager stated that signs had been posted but must have been stolen. See Continuation Form (MSHA Form 7000-3a)		
There were no speed limit signs posted along the unbermed portion of the main service road. This is a violation of Condition No. 3 of the Granted Modification of Mandatory Standard 56.9300 (Docket fM-90-20-M), which specifically requires signs to be posted along the unbermed portion. The Assistant Safety Manager stated that signs had been posted but must have been stolen. See Continuation Form (MSHA Form 7000-3a) 9. Violation A. Health Safety B. Section C. Part/Section of Title 30 CFR 5 6 9 3 0 0 d 4 Section II Inspector's Evaluation 10. Gravity: A. Injury or Illness (has) (is): No Likelihood Unlikely Reasonably Likely Highly Likely Occurred B. Injury or Illness (has) (is): No Lost Workdays X Lost Workdays or Restricted Duty Permanently Disabling Fatal C. Significant and Substantial (See Reverse): Yes No X D. Number of Persons Affected 0 0 1 11. Negligence (check one) B. Low C. Moderate X D. High E. Reckless Disregard 12. Type of Action B. Order C. Safeguard D. Written Citation Safeguard F. Dated Mo Da Yr 14. Initial Action B. Order C. Safeguard D. Written Citation Corter Notice Citation Corter Notice Citation Corter Notice Citation		
of the Granted Modification of Mandatory Standard 56.9300 (Docket #M-90-20-M), which specifically requires signs to be posted along the unbermed portion. The Assistant Safety Manager stated that signs had been posted but must have been stolen. See Continuation Form (MSHA Form 7000-3a)		
of the Granted Modification of Mandatory Standard 56.9300 (Docket #M-90-20-M), which specifically requires signs to be posted along the unbermed portion. The Assistant Safety Manager stated that signs had been posted but must have been stolen. See Continuation Form (MSHA Form 7000-3a)	There were no speed limit signs posted along the unbermed portion	of the main service road. This is a violation of Condition No. 3
See Continuation Form (MSHA Form 7000-3a) 9. Violation A. Health Safety B. Section Gat Safety Safety B. Section Gat Safety		
9. Violation A. Health Safety B. Section Other Of Act - C. Part/Section of Title 30 CFR 5 6 9 3 0 0 d 4	posted along the unbermed portion. The Assistant Safety Manager s	stated that signs had been posted but must have been stolen.
9. Violation A. Health Safety B. Section Other Of Act - C. Part/Section of Title 30 CFR 5 6 9 3 0 0 d 4		
9. Violation A. Health Safety B. Section Other Of Act - C. Part/Section of Title 30 CFR 5 6 9 3 0 0 d 4		
9. Violation A. Health Safety B. Section Other Of Act - C. Part/Section of Title 30 CFR 5 6 9 3 0 0 d 4		
9. Violation A. Health Safety B. Section Other Of Act - C. Part/Section of Title 30 CFR 5 6 9 3 0 0 d 4		
9. Violation A. Health Safety B. Section Other Of Act - C. Part/Section of Title 30 CFR 5 6 9 3 0 0 d 4	-	
9. Violation A. Health Safety B. Section Other Of Act - C. Part/Section of Title 30 CFR 5 6 9 3 0 0 d 4		See Continuation Form (MSHA Form 7000-3a)
Safety	0 Violation A Hoolth	Coc Continuation Form (Moral Continuation Form)
Other		C. Part/Section of
Section I - Inspector's Evaluation		
A. Injury or Illness (has) (is): No Likelihood		
B. Injury or Illness could reasonably be expected to be: No Lost Workdays X Lost Workdays or Restricted Duty Permanently Disabling Fatal C. Significant and Substantial (See Reverse): Yes No X D. Number of Persons Affected 0 0 1 11. Negligence (check one) A. None B. Low C. Moderate X D. High E. Reckless Disregard 12. Type of Action 1 0 4 - a -		
C. Significant and Substantial (See Reverse): Yes No X D. Number of Persons Affected 0 0 1	A. Injury or Illness (has) (is): No Likelihood Unlikely X	Reasonably Likely Highly Likely Occurred
C. Significant and Substantial (See Reverse): Yes No X D. Number of Persons Affected 0 0 1 11. Negligence (check one) A. None B. Low C. Moderate X D. High E. Reckless Disregard 12. Type of Action 1 0 4 - a -		
11. Negligence (check one)	sonably be expected to be: No Lost Workdays X Los	t Workdays or Restricted Duty Permanently Disabling Fatal
11. Negligence (check one)	C. Significant and Substantial (See Reverse): Yes No	X D. Number of Persons Affected 0 0 1
12. Type of Action		
1	A. None B. Low C. Moderat	e X D. High E. Reckless Disregard
1	12 Type of Action 11:	3 Type of Issuance (check one)
14. Initial Action A. Citation B. Order C. Safeguard D. Written Notice Order Number 15. Area or Equipment 16. Termination Due A. Date O 7 1 2 0 1 Hr. Clock) D 9 0 0 Section III Termination Action 17. Action to Terminate 18. Terminated A. Date Mo Da Yr B. Time (24 Hr Clock) D 9 0 0 Section IV Automated System Data 19. Type of Inspection (activity code) E 0 1 20. Event Number D 7 6 8 9 8 7 21. Primary or Mill 22. Signature TED JOHNSON 23. AR Number TED JOHNSON	110141-131-1	
A. Citation B. Order C. Safeguard Notice Order Number 15. Area or Equipment 16. Termination Due A. Date Notice Number Number 16. Termination Due A. Date Notice Number Number 17. Action III Termination Action 18. Terminated A. Date Notice Number N		
15. Area or Equipment 16. Termination Due A. Date Mo Da Yr B. Time (24 Hr. Clock) Da Da Da Da Da Da Da D		
16. Termination Due A. Date Mo Da Yr B. Time (24 Hr. Clock) Da Da Hr. Clock) Da Da Hr. Clock Da Da Da Da Da Da Da D	A. Citation B. Order C. Sareguard Notice	
A. Date	15. Area or Equipment	
A. Date		
A. Date	16 Termination Due Mo Da Vr	
Section III Termination Action 17. Action to Terminate 18. Terminated		
18. Terminated A. Date Mo Da Yr B. Time (24 Hr Clock) Section IV Automated System Data 19. Type of Inspection (activity code) E 0 1 20. Event Number 0 7 6 8 9 8 7 22. Signature 23. AR Number 23. AR Number 0 4 7 8 9		
18. Terminated		
A. Date	17. Action to Terminate	
A. Date	-	
Section IV Automated System Data 19. Type of Inspection 20. Event Number 0 7 6 8 9 8 7 21. Primary or Mill 22. Signature 23. AR Number 23. AR Number 0 4 7 8 9 24 7 8 9 25 25 26 27 28 29 29 29 29 29 29 29		
19. Type of Inspection (activity code) E 0 1 20. Event Number 0 7 6 8 9 8 7 21. Primary or Mill 22. Signature	A. Date B. Time (24 Hr Clock)	
19. Type of Inspection (activity code) E 0 1 20. Event Number 0 7 6 8 9 8 7 21. Primary or Mill 22. Signature	Section IV Automated System Data	
(activity code) E 0 1 0 7 6 8 9 8 7 22. Signature TED JOHNSON 23. AR Number 0 4 7 8 9		21 Primary or Mill
22. Signature 23. AR Number TED JOHNSON 0 4 7 8 9		
TED JOHNSON 0 4 7 8 9		
		[0] 4] 7[8] 9]

104(a) CITATION - VIOLATION OF A

September 2005

GRANTED PETITION FOR MODIFICATION

U.S. Department of LaborMine Safety and Health Administration

Section I Vio	lation Data	ì																		
1. Date N	Mo Da	Yr	2. Tim	e (24 F	lr. Clock)							3. Ci	tation/O	rder					
0	7 1 1	0 1	l	, 		,	0 9	0 0					Nu	umber			4 4	1 0	1 9	1
4. Served To									5. Op	erator										
SYDNEY JO	ONES, PR	ESIDE	:NT								NING CO	DMPANY								
6. Mine									7. Mir	ne ID										
TRIANGLE											7 2	- 0 0	0 1 2			•	actor)	,		
8. Condition or	Practice													8a.	Written	Notic	e (10)3g)		
A miner (Pa	<u> </u>	•													•					
submit an M																				
violations d																	uarte	rly		
employmen					•			npany	person	nel ha	ve been	repeated	lly instru	cted in	Part 50	rules				
on completi	ing and sul	omittin	g the re	quired f	forms to	MSH	Α.													
-																				
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A. Injury or I	Ilness (has	s) (is):	No Lik	kelihood	X	Unl	likely		Rea	asona	bly Likel	У	Hig	hly Like	ly		Occ	urred		
	or Illness c												-	_						\equiv
sonably	y be expec	ted to	be: I	No Lost	Workda	ays	Х	Lost	Work	days o	r Restric	ted Duty	Ш	Perma	nently I	Disabl	ing	Fa	atal	
C. Signific	ant and Su	ıbstanı	tial (Sec	Rever	se):	Yes		No	Х				D. Nu	mber of	Persor	ns Affe	ected		0 0	0 0
11. Negligence					,															
A. None		,	B. Le	ow			C. M	oderate	Э		D.	High	X		E. Rec	kless	Disre	gard	П	
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A. Citation		. Orde	r 🔲	C. Sa	afeguard			Notic		1 [Order							-	ř l	i l
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16. Termination	n Due		Мо	Da \	/r															
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17. Action to 1	eminate																			
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19. Type of Ins		_		. ∟vent	Number					21.	Primary	or IVIIII								
(activity	code)	E 0	1			0	7 6	8 9	8 7											
22. Signature														23	. AR N	umbe	ſ			
TED JOHN	SON																	0 4	7 8	9
MSHA Form 70		85 (Re	evised)																	

104(a) CITATION - FAILURE TO PREPARE AND SUBMIT AN MSHA #7000-1 FORM

U.S. Department of LaborMine Safety and Health Administration

Section I \	√iolatior	n Data	a									
1. Date	Мо	Da	Yr	2. Time (24 Hr. Clock)					3. Cita	ation/Order		
	0 7	1 1	0 1		0	9 0 5			Nur	mber	4 4	10192
4. Served To	0					1 1	5. Operator		1			
SYDNEY	/ JONE	S, PR	ESIDE	ENT			TMC MINING	G COMPANY				
6. Mine							7. Mine ID					
TRIANG							7	2 - 0 0 0	1 2		ontractor	,
8. Condition	or Prac	ctice								8a. Written N	Notice (1))3g)
A - MCII	A #7000	2 (0		h. Farala marant Danami (far	. 41 441	. 0	2000 (O-t-b	Navarahan D			lata d	
		_ `		ly Employment Report) for and Safety Analysis Cer						<i>'</i>		ne .
				ns for failing to report on-the								
				ny personnel have been i								
the requi	red forn	ns to I	MSHA			•						
								Soo Continu	uotion E	orm (MSHA Fo	rm 7000	30)
0.10.10								See Contini	uation F	OIIII (IVISHA FO	IIII 7000-	5a)
9. Violation	A. Hea			B. Section			C Part/	Section of				
	Oth	,		of Act				30 CFR		5 0 . 3 0	а	
Section II		-	valuat						J	-1-1-1-1-1		
10. Gravity:										🗖		
A. Injury o	or Illnes	s (has	s) (is):	No Likelihood X	Unlikely	/	Reasonably L	_ikely	High	ly Likely	Occ	curred
, .	y or Illn											
sona	ably be	expec	ted to	be: No Lost Workdays	X	Lost	Workdays or Re	stricted Duty	Ш	Permanently Di	sabling	Fatal
C. Signi	ificant a	ınd Sı	ubstan	tial (See Reverse): Yes	S	No	X		D. Num	ber of Persons	Affected	0 0 0
11. Negliger	nce (che	eck or	ne)	_				•				
A. Non	е			B. Low	C. M	/loderate	9	D. High	X	E. Reckl	ess Disre	gard
12. Type of	Action					13	. Type of Issuand	ce (check one)				
		1	0 4	- a - ,	-	-	Citation	X	Orde	er	Safeguar	d D
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15. Area or	Equipm	ent										
16. Termina	tion Du	е		Mo Da Yr								
		A.	Date		Time (2							
Section III	Termin	ation	Action		Hr. Clo	CK)	0 8 0 0					
17. Action to			7101101	•								
THE QU	ARTER	LY RE	EPOR [*]	T WAS FILLED OUT AND	SUBM	ITTED.	ГО МЅНА.					
18. Termina		A. Dat	te M	lo Da Yr B. Time	(24 Hr	Clock)						
			0	7 1 2 0 1	(2	Olooky	0 8 0 0					
Section IV			Systen									
19. Type of	-		_	20. Event Number				ary or Mill				
	ity code)	E 0	1	0 7	6 8 9	8 7					
22. Signatur	e									23. AR Nur	nber	
TED JOH												0 4 7 8 9
MSHA Form	7000-3	Mar	85 (R	ovicod)			·	·		· · · · · · · · · · · · · · · · · · ·		· · · · · · · · · · · · · · · · · · ·

104(a) CITATION - FAILURE TO PREPARE AND SUBMIT AN MSHA #7000-2 FORM

U.S. Department of LaborMine Safety and Health Administration

Section I Violation Data	
1. Date Mo Da Yr 2. Time (24 Hr. Clock)	3. Citation/Order
0 7 1 1 0 1 0 9 1 0	
4. Served To	5. Operator
SYDNEY JONES, PRESIDENT	TMC MINING COMPANY
6. Mine	7. Mine ID
TRIANGLE MINE	7 2 - 0 0 1 2 - (contractor)
8. Condition or Practice	8a. Written Notice (103g)
	(0)
A copy of MSHA Form #7000-1 (Mine Accident, Injury, and Illness Re	eport) for a reported lost-time injury that occurred to a miner
(Payroll #45678) on May 4, 2001, was not at the mine office for review	
Part 50 violations during the past twelve months for failing to report of	, , , , , , , , , , , , , , , , , , , ,
quarterly employment reports. Additionally, company personnel have	
and submitting required forms to MSHA. Those instructions also included	
by MSHA.	aded keeping copies of the forms at the filme office for review
by MSHA.	
	See Continuation Form (MSHA Form 7000-3a)
	See Continuation Form (WSFA Form 7000-5a)
9. Violation A. Health	
Safety B. Section	C. Part/Section of
Other of Act	Title 30 CFR 5 0 . 4 0 b
Section II Inspector's Evaluation 10. Gravity:	
A. Injury or Illness (has) (is): No Likelihood X Unlikely	Reasonably Likely Highly Likely Occurred
A. Injury of lilitess (ilas) (is). No Likelinood X Offlikely	Reasonably Likely Tilgilly Likely Occurred
B. Injury or Illness could rea-	
sonably be expected to be: No Lost Workdays X Lost	Workdays or Restricted Duty Permanently Disabling Fatal
C. Significant and Substantial (See Reverse): Yes No	X D. Number of Persons Affected 0 0 0
11. Negligence (check one)	B. Number of 1 croons / medical
A. None B. Low C. Moderate	D. High X E. Reckless Disregard
	. Type of Issuance (check one)
1 0 4 - a - , - -	Citation X Order Safeguard
14. Initial Action D. Writte	
A. Citation B. Order C. Safeguard Notice	e
15. Area or Equipment	
16. Termination Due Mo Da Yr	
A. Date B. Time (24	
Section III Termination Action	0 8 0 0
Section III Termination Action 17. Action to Terminate	
17. Action to Terminate	
18. Terminated Mo Da Yr	
A. Date B. Time (24 Hr Clock)	
Section IV Automated System Data	
19. Type of Inspection 20. Event Number	21. Primary or Mill
(activity code) E 0 1 0 7 6 8 9	8 7
22. Signature	23. AR Number
-	
TED JOHNSON	0 4 7 8 9
MSHA Form 7000-3 Mar 85 (Revised)	

104(a) CITATION - FAILURE TO MAINTAIN PART 50 RECORDS

U.S. Department of LaborMine Safety and Health Administration

Section I Violation Data		
1. Date Mo Da Yr 2. Time (24 Hr. Clock)		3. Citation/Order
0 8 2 1 0 1	3 3 0	Number 4 4 1 0 0 2 1
4. Served To	1 -1 -	5. Operator
John Smith, Mine Foreman		J and S Coal Company, Inc.
6. Mine		7. Mine ID
No. 1		4 4 - 0 3 5 3 6 - (contractor)
8. Condition or Practice		8a. Written Notice (103g)
The No. 17 track-mounted self-propelled personnel carrier was	s not p	provided with sand-rigging. This mine has wet track, steep grades, and "S"
curves. This presents the hazard of derailment and associated	d injuri	ies. The personnel carrier was transporting 6 miners to an idle section.
This is a Notice to Provide Safeguard(s) requiring No. 17 person	onnel c	carrier and all other personnel carriers at this mine to be equipped with
operable sand rigging when transporting 6 or more miners.		
		See Continuation Form (MSHA Form 7000-3a)
9. Violation A. Health		
Safety B. Section		C. Part/Section of 7 5 1 4 0 3 6 b 3
Other of Act -	$\perp \perp$	Title 30 CFR
Section II Inspector's Evaluation 10. Gravity:		
A. Injury or Illness (has) (is): No Likelihood Unlikely		Reasonably Likely Highly Likely Occurred
B. Injury or Illness could rea-		
sonably be expected to be: No Lost Workdays	Lost	t Workdays or Restricted Duty Permanently Disabling Fatal
C. Significant and Substantial (See Reverse): Yes	No	D. Number of Persons Affected
11. Negligence (check one)		
A. None B. Low C. Mo	oderate	e D. High E. Reckless Disregard
12. Type of Action	13	3. Type of Issuance (check one)
3 1 1 5 5 5	. '	Citation Order Safeguard X
		Gradier Gradier Fr
	. Writte	
A. Citation B. Order C. Safeguard	Notic	ce Order
15. Area or Equipment		110111001
16. Termination Due Mo Da Yr A. Date I B. Time (24	1	
0 8 2 1 0 1 Hr. Cloc		1 5 0 0
Section III Termination Action	11)	1 1 9 9 9
17. Action to Terminate		
New linkage was properly installed and the sand-rigging was v	vorking	g satisfactorily on the No. 17 personnel carrier
18. Terminated Mo Da Yr A. Date B. Time (24 Hr C	Clock)	
0 8 2 1 0 1	JIOUK)	1 4 4 5
Section IV Automated System Data		1 4 4 5
19. Type of Inspection 20. Event Number	\top	21. Primary or Mill
(activity code) E 0 1 0 8 8	م ام ا	
(activity code) E O I O O O O O O O O	<u>, </u>	23. AR Number
· ·		
James Lee		2 0 7 7 7
MSHA Form 7000-3 Mar 85 (Revised)		

NOTICE TO PROVIDE SAFEGUARD AND TERMINATION

U.S. Department of LaborMine Safety and Health Administration

Section I Violation Data	
1. Date Mo Da Yr 2. Time (24 Hr. Clock)	3. Citation/Order
0 8 2 2 0 1	0 Number 4 4 1 0 0 2 2
4. Served To	5. Operator
John Smith, Mine Foreman	J and S Coal Company, Inc.
6. Mine	7. Mine ID
No. 1	4 4 - 0 3 5 3 6 - (contractor)
8. Condition or Practice	8a. Written Notice (103g)
	(0)
Citations issued during the inspections conducted on August 19	and 21, 2001, had not been posted on the mine bulletin board.
· · · · · · · · · · · · · · · · · · ·	·
	See Continuation Form (MSHA Form 7000-3a)
O. Virlatian A. Haratt	See Continuation Form (WOLA Form 7000-5a)
9. Violation A. Health B. Section B. Section	C. Part/Section of
Other of Act 1 0 9 - a	Title 30 CFR
Section II Inspector's Evaluation	11110000111
10. Gravity:	
A. Injury or Illness (has) (is): No Likelihood X Unlikely	Reasonably Likely Highly Likely Occurred
B. Injury or Illness could rea-	
sonably be expected to be: No Lost Workdays X	ost Workdays or Restricted Duty Permanently Disabling Fatal
C. Significant and Substantial (See Reverse): Yes N	D. Number of Persons Affected 0 0 0
11. Negligence (check one)	5 1
A. None B. Low C. Mode	rate X D. High E. Reckless Disregard
12. Type of Action	13. Type of Issuance (check one)
	Citation X Order Safeguard
1 0 4 - a - , - -	Older Galeguard
	ritten E. Citation/ F. Dated Mo Da Yr
A. Citation B. Order C. Safeguard N	otice Order Number
15. Area or Equipment	Number
16. Termination Due Mo Da Yr	
16. Termination Due Mo Da Yr A. Date I B. Time (24	
0 8 2 2 0 1 Hr. Clock)	0 8 3 0
Section III Termination Action	
17. Action to Terminate Copies of the citations and orders were posted on the bulletin board.	
Copies of the citations and orders were posted on the bulletin board.	
18. Terminated Mo Da Yr	
A. Date B. Time (24 Hr Cloc	
0 8 2 2 0 1	0 8 3 0
Section IV Automated System Data	
19. Type of Inspection 20. Event Number	21. Primary or Mill
(activity code) E 0 1 0 8 8 8	· · · · · · · · · · · · · · · · · · ·
22. Signature	23. AR Number
James Lee	2 0 7 7 7
MSHA Form 7000-3 Mar 85 (Revised)	

TITLE I VIOLATION AND TERMINATION

Appendix B

Training Violations

TABLE OF CONTENTS – TRAINING VIOLATIONS

104(g)(1) Order - Part 48 - Single Miner and a Single Violation	
104(g)(1) Order - Part 48 - Untrained Miner2	,
104(g)(1) Order - Part 48 - Multiple Miners and a Single Violation3	,
104(g)(1) Order - Part 48 - Single Miner and Multiple Violations	ļ
104(a) Citation - Part 46 - Inadequate Training Plan)
104(a) Citation - Part 46 - Training Certificates Not Provided	Ì
104(a) Citation - Part 46 - Incomplete Training Records	
104(a) Citation - Part 46 - Training Records Not Provided)
104(g)(1) Order - Part 46 - Single Miner and a Single Violation 10)
104(g)(1) Order - Part 46 - Multiple Miners and a Single Violation 11	
104(g)(1) Order - Part 46 - Single Miner and Multiple Violations 12	,
104(g)(1) Order - Part 46 - Continuation Sheet - Single Miner and Multiple Violations 13	,

U.S. Department of LaborMine Safety and Health Administration

A. Served To																	
A. Served To	Section I V	olation	Data		1			1 1		1							
4. Served To TMOTHY DAWSON, PRESIDENT S. Operator ABCD MINNO COMPANY, INC. 5. Mine 7. Mine ID 7 3 0 1 2 3 5	1. Date	Мо	Da	Yr	2. Time (2-	4 Hr. Clock)							Cita	tion/Order			
4. Served To TMOTHY DAWSON, PRESIDENT S. Operator ABCD MINNO COMPANY, INC. 5. Mine 7. Mine ID 7 3 0 1 2 3 5		0 7	0 2	0 1			0	8	0 0				Nur	nber	4 4	1 0	1 7 9
8. Mine ABCD MINE	4. Served To				1					5. Oper	rator						
8. Mine ABCD MINE	TIMOTHY	DAW	SON, I	PRESI	DENT					ABC	D MI	NING COMPANY,	INC.				
Michael Martin (Payroll Number 123456), a temporary summer employee, had not received the required MSHA 40-hour new miner training prior to performing maintenance dudes underground. The mine operator was aware of the Part 48 training requirements, but believed it was unnecessary for a temporary employee. Mr. Martin had no previous mining apperience. The operator is hereby ordered to withdraw Michael Martin from the mine until he has received the required training. The Federal Mine Safety and Health. Act of 1977 declares that an untrained miner is a hazard to himself and to others. Section II — Inspector's Evaluation of Act. Other — Inspector's Evaluation of Act. Other — Inspector's Evaluation of Act. A Injury or Illness could reasonably Likely — Reasonably Likely — Occurred — S. Injury or Illness could reasonably be expected to be: No Lost Workdays — Lost Workdays or Restricted Duty — Permanently Disabling — Fatal — S. Saginficant and Substantial (See Reverse): Yes — No — Lost Workdays or Restricted Duty — Permanently Disabling — Fatal — S. None — S. Lost Workdays — Lost Workdays or Restricted Duty — Permanently Disabling — Fatal — S. None — S. Lost Workdays — C. Safeguard — Lost Workdays or Restricted Duty — Permanently Disabling — Fatal — S. None — S. Lost Workdays — C. Safeguard — Lost Workdays — C. Safeguard — Lost Workdays — C. Safeguard — D. Number of Persons Affected — D. Virtiten — Citation — Order — Safeguard — Lost More — C. Safeguard — Notice — Citation — Order — F. Dated — Mo Da Yr — Notice — Contact — Notice	6. Mine																
Michael Martin (Psyroll Number 123456), a temporary summer employee, had not received the required MSHA 40-hour new miner training prior to performing maintenance duties underground. The mine operator was aware of the Part 48 training requirements, but believed it was unnecessary for a temporary employee. Mr. Martin had no previous mining experience. The operator is hereby ordered to withdraw Michael Martin from the miner until he has received the required training. The Federal Mine Safety and Health Act of 1977 declares that an untrained miner is a hazard to himself and to others. See Continuation Form (MSHA Form 7000-3a) 9. Violation A. Health Safety B. Section C. Part/Section of Title 30 CFR 4 8 5 a 9. Violation A. Health Safety B. Section Of Act Title 30 CFR Title 30 CFR Highly Likely Occurred 8. Injury or Illness (has) (is): No Likelihood Unlikely Reasonably Likely Highly Likely Occurred 8. Injury or Illness (has) (is): No Lost Workdays Lost Workdays or Restricted Duty Permanently Disabling Fatal X. C. Significant and Substantial (See Reverse): Yes X. No D. Number of Persons Affected O O 1 11. Negligence (check one) D. Wirtten D. Wirtten D. Wirtten D. High E. Reckless Disregard 12. Type of Action 1 O 4 g 1 13. Type of Issuance (check one) Criation F. Dated Mo Da Yr 15. Area of Equipment Michael Martini (Parkoll Number D. Wirtten D. Wi	ABCD MI	NE										7 3 - 0 1	2 3 5	- (cont	tractor)		
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See Continuation Form (MSHA Form 7000-3a) 9. Violation A. Health Safety Dither Office Section Other Oth																	
See Continuation Form (MSHA Form 7000-3a) 9. Violation A. Health Safety 0 f Act C. Part/Section of Title 30 CFR 4 8 . 5 a											ed trai	ning. The Federal	Mine Saf	ety and Health			
3. Violation A. Health Safety B. Section Other of Act -	Act of 19	// dec	lares t	hat an	untrained mil	ner is a hazard	to him	self a	and to	others.							
3. Violation A. Health Safety B. Section Other of Act -																	
3. Violation A. Health Safety B. Section Other of Act -	-																
Safety												See Contin	nuation Fo	rm (MSHA Form 70	00-3a)		
Safety	9. Violation	A. He	alth														
Section II Inspector's Evaluation 10. Gravity: A. Injury or Illness (has) (is): No Likelihood		Sa	fety		B. Section						C. P	art/Section of					
10. Gravity: A. Injury or Illness (has) (is): No Likelihood Unlikely Reasonably Likely Highly Likely Occurred B. Injury or Illness could reasonably be expected to be: No Lost Workdays Lost Workdays or Restricted Duty Permanently Disabling Fatal C. Significant and Substantial (See Reverse): Yes X No D. Number of Persons Affected OI 0 1 11. Negligence (check one) A. None B. Low C. Moderate D. High E. Reckless Disregard 12. Type of Action 1 0 4 - g - 1 , 13. Type of Issuance (check one) Citation D. Written Notice Drider Number 14. Initial Action B. Order C. Safeguard D. Written Notice Drider Number 15. Area or Equipment MICHAEL MARTIN (PAYROLL NUMBER 123456) 16. Termination Due A. Date Mo Da Yr B. Time (24 Hr. Clock) Section III Termination Action 17. Action to Terminate A. Date Mo Da Yr B. Time (24 Hr Clock) Section III Termination Action 17. Action to Terminate 23. AR Number 23. AR Number		Ot	her		of Act		-				Т	itle 30 CFR		4 8 . 5 a			
A. Injury or Illness (has) (is): No Likelihood Unlikely Reasonably Likely X Highly Likely Occurred B. Injury or Illness could reasonably be expected to be: No Lost Workdays Lost Workdays or Restricted Duty Permanently Disabling Fatal X C. Significant and Substantial (See Reverse): Yes X No D. Number of Persons Affected 0 0 0 1 11. Negligence (check one) A. None B. Low C. Moderate X D. High E. Reckless Disregard 1 12. Type of Action 1 0 4 - g - 1 1, Citation Order X Safeguard 1 14. Initial Action A. Citation B. Order C. Safeguard D. Written Notice Order Number MICHAEL MARTIN (PAYROLL NUMBER 123456) 16. Termination Due A. Date Mo Da Yr B. Time (24 Hr. Clock) Section III Termination Action 17. Action to Terminate 20. Event Number 0 9 7 7 5 5 3 21. Primary or Mill (activity code) E 0 1 20. Event Number 23. AR Number 24. A. Date 24. A. Date 25. AR Number 25. AR		nspect	or's Ev	aluatio	n												
Sonably be expected to be: No Lost Workdays	,	Illnes	s (has)	(is):	No Likelihoo	d	Unlike	ely		Reas	sonab	ly Likely X	Highl	y Likely	Occu	ırred	
C. Significant and Substantial (See Reverse): Yes X No D. Number of Persons Affected 0 0 1 1 1. Negligence (check one) A. None B. Low C. Moderate X D. High E. Reckless Disregard 12. Type of Action 1 0 4 - g - 1 , 13. Type of Issuance (check one) A. Citation B. Order C. Safeguard D. Written Notice F. Dated Mo Da Yr Number MICHAEL MARTIN (PAYROLL NUMBER 123456) 16. Termination Due A. Date Mo Da Yr B. Time (24 Hr. Clock) 18. Terminated A. Date Mo Da Yr B. Time (24 Hr. Clock) 19. Type of Inspection (activity code) E 0 1 20. Event Number 21. Primary or Mill (activity code) E 0 1 20. Event Number 22. Signature 23. AR Number 24. A. Date Not Date Number 24. A. Date Not Date Number 24. Primary or Mill 25. AR Number 25. A	B. Injury	or Illn	ess co	uld rea	1-			_									
11. Negligence (check one)	sona	bly be	expect	ed to b	e: No L	ost Workdays			Lost \	Workda	ys or	Restricted Duty	<u></u> Ц	Permanently Disabl	ing	Fa	tal X
11. Negligence (check one)	C. Signif	icant a	nd Sul	ostanti	al (See Reve	rse): Ye	s X	N	No				D. Num	per of Persons Affe	cted		0 0 1
12. Type of Action												W.	-				
1	A. None	:			B. Low		C.	Mode	erate		X	D. High		E. Reckless	Disrega	ard	
1	12. Type of A	ction							13.	Type o	f Issu	ance (check one)					
A. Citation	,,		1	0 4	- g - '	1 ,	-	-				`\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\	Orde	r X Sa	feguard	t	
A. Citation	14 Initial Act	ion				1 1 1 1		D \	Nritter	n	F	Citation/		F Dated	М	lo D:	a Yr
MICHAEL MARTIN (PAYROLL NUMBER 123456) 16. Termination Due				3. Orde	r 🔲 C	. Safeguard						Order					
16. Termination Due A. Date Mo Da Yr B. Time (24 Hr. Clock) Section III Termination Action 17. Action to Terminate 18. Terminated A. Date Mo Da Yr B. Time (24 Hr Clock) Section IV Automated System Data 19. Type of Inspection 20. Event Number 0 9 7 7 5 5 3 21. Primary or Mill 23. AR Number																	
A. Date	MICHAEL	MAR	IIN (P	AYROI	L NUMBER	123456)											
A. Date	16. Terminati	on Du	9		Mo Da	Yr											
Section III Termination Action 17. Action to Terminate 18. Terminated				Date			,										
18. Terminated A. Date Mo Da Yr B. Time (24 Hr Clock) Section IV Automated System Data 19. Type of Inspection 20. Event Number 0 9 7 7 5 5 3 21. Primary or Mill 22. Signature 23. AR Number 23. AR Number 23. AR Number 23. AR Number 24 Hr Clock)				Action													
A. Date	17. Action to	Termir	nate														
A. Date																	
A. Date	18 Terminate	-d		N	/o Da	Yr				ПТ							
19. Type of Inspection (activity code) E 0 1 20. Event Number 0 9 7 7 5 5 3 21. Primary or Mill 23. AR Number 23. AR Number 23. AR Number 24. Primary or Mill 25. Signature 25. AR Number TO. Terrifica	Ju	A. Da				(24 Hr	Cloc	k)									
(activity code) E 0 1 0 9 7 7 5 5 3 22. Signature 23. AR Number 23. AR Number 1 24. AR Number 25. AR Number	Section IV	Autom	ated S	ystem	Data							•					
22. Signature 23. AR Number	19. Type of Ir	nspecti	on		20. Ever	nt Number					21	. Primary or Mill					
22. Signature 23. AR Number	(activit	y code	e)	E	1		0 9	7	7 5	5 3							
	22. Signature				•								•	23. AR Numbe	r		
JOHN REDWOOD 0 3 3 3 3 3	IOHN PE	DWO	חר													0 3	3 3 3
MSHA Form 7000-3 Mar 85 (Revised)				85 (Rev	vised)											<u> </u>	<u> </u>
	INIOLIV I OIIII	, 000-3	, iviai C	ing)	13 5 4)												

104(g)(1) ORDER - PART 48 SINGLE MINER AND A SINGLE VIOLATION

U.S. Department of LaborMine Safety and Health Administration

Section I Violation Data				
1. Date Mo Da Yr 2. Time (24 Hr. Clock)			3. Citation/Order	
0 8 2 1 0 1	0 0 8 0		Number	4 4 1 0 0 2 0
4. Served To		. Operator		
John Smith, Mine Foreman		and S Coal Company, Inc.		
6. Mine		. Mine ID		
No. 1		4 4 - 0 3	5 3 6 - (cont	tractor)
8. Condition or Practice			8a. Written Notic	ce (103g)
John Jones was performing laborer duties in the mains section				
the safety training as required by Section 115 of the Act. Mr. Jo				
required 40 hours of new miner training. In the absence of such withdrawn immediately from the mine until he has received the			•	ю ве
withdrawn infinediately from the mine until he has received the f	required train	ing, as determined by an Aut	nonzeu Representative.	
(If a miner has not received training in violation of 2 or mo	ore of the trai	ining regulations, a single Ord	der is issued; however, each a	ıdditional
violation is given an inspector's evaluation on a Form 700			·	
		See Conti	nuation Form (MSHA Form 70)00-3a)
9. Violation A. Health				
Safety B. Section		C. Part/Section of	4 8 . 5a	
Other of Act Section II Inspector's Evaluation		Title 30 CFR	4 0 . 5 a	
10. Gravity:			_	
A. Injury or Illness (has) (is): No Likelihood Unlike	ely	Reasonably Likely X	Highly Likely	Occurred
B. Injury or Illness could rea-		adadas a Daatistad Dati	Dames and the Disability	:
sonably be expected to be: No Lost Workdays	_ Lost We	orkdays or Restricted Duty	Permanently Disabli	ing Fatal X
C. Significant and Substantial (See Reverse): Yes X	No		D. Number of Persons Affect	cted 0 0 1
11. Negligence (check one) A. None	. Moderate	D. High	X E. Reckless	Disregard
12. Type of Action	13. T	ype of Issuance (check one)		
1 0 4 - g - 1 ,		Citation	Order X Sa	afeguard
14. Initial Action A. Citation B. Order C. Safeguard	D. Written Notice	E. Citation/	F. Dated	Mo Da Yr
15. Area or Equipment		Number		
John Jones is withdrawn from the mine				
16. Termination Due Mo Da Yr				
16. Termination Due Mo Da Yr A. Date B. Time ((24			
Hr. Cl	lock)			
Section III Termination Action 17. Action to Terminate				
17. Action to Terminate				
18. Terminated A. Date Mo Da Yr B. Time (24 Hr	r Clock)			
Section IV Automated System Data				
19. Type of Inspection 20. Event Number		21. Primary or Mill		
(activity code) E 0 1 0 8	8 8 8 3	3 1		
22. Signature			23. AR Numbe	r T
James Lee				2 0 7 7 7

MSHA Form 7000-3 Mar 85 (Revised)

104(g)(1) ORDER - PART 48 UNTRAINED MINER

U.S. Department of LaborMine Safety and Health Administration

Section I Violation Data													
1. Date Mo Da Yr 2. Time	(24 Hr. Clock)						3. Cita	ion/Order					
0 7 0 3 0 1		0	8 0	0			Nun	nber	4	4 1	0	1	8 0
4. Served To					. Operator								
TIMOTHY DAWSON, PRESIDENT					ABCD MII	NING COMPANY,	INC.						
6. Mine				7	. Mine ID								
ABCD MINE						7 3 - 0 1	2 3 5	- (conf	tracto	or)			
8. Condition or Practice								8a. Written Notic	e (1	03g)			
Fifty-six miners working in the mine and	mill have not receive	d an	nual r	efres	her training	within the last twe	lve month:	s. Refresher					
training was last given to these miners of													
director said "the production schedule ha					<u> </u>								
miners from the mine or mill until they ha		iired	trainir	ng. T	he Federal	Mine Safety and H	lealth Act	of 1977 declares					
that an untrained miner is a hazard to him	mself and to others.												
-	-												
						Soo Contin	untion Fo	m (MSHA Form 70	00.5	20)			$\overline{}$
0 Violation A Hoolth						See Contin	luation Fo	III (WISHA FOIIII 70	T T	<i>a</i>)	Т	I I	+
9. Violation A. Health B. Section	n				СР	art/Section of							
Other of Act						tle 30 CFR		4 8 . 8					
Section II Inspector's Evaluation							1	1 2 1 2 1 1				1 1	
10. Gravity:				i									
A. Injury or Illness (has) (is): No Likeliho	ood Unl	ikely	Х		Reasonabl	y Likely	Highly	Likely	00	ccurre	∌d	Ш	
B. Injury or Illness could rea-	- I4 \ \ \ / -	_			/	Destricted Destri	▽ -)		_	٦	4-1	_
sonably be expected to be: No	o Lost Workdays		L	ost vv	orkdays or i	Restricted Duty	X F	Permanently Disabl	ng	L] Fa	ital	<u> </u>
C. Significant and Substantial (See Rev	verse): Yes		No	Х	(D. Numb	er of Persons Affe	cted			0	5 6
11. Negligence (check one) A. None B. Lov	w	C. M	odera	ate		D. High	X	E. Reckless	Disre	egard			
12. Type of Action				12 T	Type of Iceur	ance (check one)							
1 0 4 - g -	1, -		-		Citation		Order	X Sa	ıfegu	ard			
14. Initial Action A. Citation B. Order	C. Safeguard	С). Wr No	itten tice	E	. Citation/ Order		F. Dated		Мо	D	а	Yr
15 Area or Equipment						Number			\perp	Щ.			
15. Area or Equipment Ben Hopper, Lois Smith, Tom Jones, Ez	zra D. Light: Billy Kidd	l· Mir	na By	rd: Ja	ack Hammer	· Justin Hustin: Ma	nny Keys	et al					
Ben noppor, Lois Gillari, Tem Gones, EL	I'd D. Light, Dilly Mad	.,	ia Dy	u, 00	aon mammor	, odolii i idoliii, ivie	anny recyc	ot. ai.					
16. Termination Due A. Date Mo D	Da Yr B. Time	e (24 Cloc											
Section III Termination Action		Oloc	,,,,	!_									
17. Action to Terminate													
18. Terminated A. Date Mo Da	Yr B. Time (24	Hr C	lock)										
Section IV Automated System Data													
. 71	vent Number					Primary or Mill							
(activity code) E 0 1	0	9	7 7	5	5 3								
22. Signature			_	_				23. AR Numbe	r				
JOHN REDWOOD										0	3	3	3 3

MSHA Form 7000-3 Mar 85 (Revised)

104(g)(1) ORDER - PART 48 MULTIPLE MINERS AND A SINGLE VIOLATION

U.S. Department of LaborMine Safety and Health Administration

Section I V	iolation [Data																									
			.,	o T	(0	4.1.1	01 1)		T		1								0					1	Т	1	T
1. Date		Da	Yr I	2. 11	me (2	4 Hr.	Clock)											3.	Cita	ation/Or	aer						
	0 7	0 3	0 1						1	0	0 (0)							Nu	mber			4	4 1	0	1 8	1
4. Served To	·	-	-									5. C	pera	ator													
JEFF CRI	BS, PRE	SIDE	NT										XYZ	MIN	ING (COMP	ANY,	INC.									
6. Mine												7. N	/line	ID													
XYZ MINE	=														7	3 -	0 1	2 3	6	-		(cor	ntract	or)			
8. Condition of	or Practi	се																		8a.	Writte	n Not	ice (103g)			
Jim Jones	s, an unc	dergro	und dr	iller wo	rking	in the	e mine,	had r	not re	ceive	ed ta	ask tı	ainir	ng or	the j	ackleç	drill	he was	ope	rating p	orior to)					
assuming					_								_			_				_							
indicated																							ns.				
Mr. Jones																											
mine on J																							le				
has been			rk in t	ne trair	ning."	The	Federa	l Mine	Safe	ety a	nd F	lealt	h Act	t of 1	977 c	declare	es an	untrair	ned n	niner a	hazar	d to					
himself ar							000"				,																
NOTE: T	ne secor	nd sta	naara	is evai	uated	for "	5&5" 0	n a mi	ine ci	tation	n/or	aer c	ontin	nuatio	on for		Con	tinuatio	n Ec	orm (MS	בווא ב	orm 7	000 3	30/			X
0. \(\frac{1}{2} = 1 = \frac{1}{2} = 2	A 111	u.					1 1		1 1		_					366	COII	unuau	ארווע	ini (ivis	опа г	01111 7	000-3	oa)	ТТ		_
9. Violation	A. Healt	-		B. Sec	otion									C [Ort/C	ection	of										
	Safe Othe				Act			_								0 CFR				4 8	. 7						
Section II II			aluatio		ACI				11		<u> </u>				ille 30	J CI K				4 0						!	Щ
10. Gravity:	пороско.	0 = 10		·																							
A. Injury or	r Illness	(has)	(is):	No Lik	elihoo	d		Ur	nlikely	y		F	Reas	onab	ly Lik	ely	X	1	Highl	y Likely	/		0	ccurre	ed		
B Injun	or Illne	ee col	ıld raa				-															•					
	bly be ex				No I	ost V	Vorkda	VS	\Box	ı	Lost	Wor	kdav	s or	Restr	icted I	Dutv		1	Permar	nently	Disab	lina	X	Fat	al	
	,							,-					,				,				,		9				_
C. Signif				ıl (See	Reve	rse):		Yes	X	N	0							D.	Num	ber of I	Persor	ns Affe	ected			0 () 1
11. Negligeno	` _	ck one	e)										_	_				<u> </u>	_								
A. None				В.	Low				C. N	/lode	rate					D. Hi	gh	X	_		E. Red	ckless	Disr	egard	L		
12. Type of A	ction										13	. Tyr	oe of	Issu	ance	(chec	k one	<u>:)</u>									
•		1	0 4	- g	_ .	1 ,		-		-			tation			` 🖂			Orde	r [Χ	S	afegu	ard			
				"		'														L			Ü				
14. Initial Act	ion								_	D. W	/ritte	en		Е	. Cita	tion/					F. D	Dated		Мо	Da	1 '	Yr
A. Citati	on	В.	Order	. [С	. Saf	eguard			N	otice	Э			Ord												
15. Area or E	auipmer	nt													Nur	nber										!	Щ
JIM JONE			NO. 3	12345	67)																						
16. Terminati	on Due			Мо	Da	Yı		. F:	- (0																		
		A. L	Date					B. Tin	٠,																		
Section III	Termina	tion A	ction	Щ_				П	. Clo	CK)					<u> </u>												
17. Action to			Otion																								
•																											
18. Terminate			N	lo D	а	Yr																					
	P	A. Date	€				B. Tin	ne (24	Hr (Clock	:)																
Castian IV	Automot	ad Cu		Data	Ш	Щ						<u> </u>			ļ												
Section IV			siem I		Eug:	a A N I co			1 1	-1	1	1 1		04	Deli		- NA:II										
19. Type of Ir	•		_ .		. Ever	it iNU	прег				_	1_1		21	. Prim	nary o	I IVIIII										
	y code)		E 0	1				0	9	7 7	7 5	5	4														_
22. Signature)																			23	. AR N	Numb	er				
JOHN SM	1ITHE																							C	3	3 3	3 4
MSHA Form		Mar 85	(Rev	ised)																							

104(g)(1) ORDER - PART 48 SINGLE MINER AND MULTIPLE VIOLATIONS

Mine Citation/Order Continuation

U.S. Department of LaborMine Safety and Health Administration

Section I Subsequ	uent Action/Continu	uation Da	ata																					
1. Subsequent Action	on 1a. Continu		2. Dat	ed riginal Issue)		10 7	D	а 3	Υι 0					Citation/C Number	Order	4	4	1	0	1	8	1	-	
4. Served To						<u> </u>	5. (Оре	erato	or				ı				<u> </u>					<u> </u>	
JEFF CRIBS, P	RESIDENT							XY	ΖM	IINI	ING	CC	OMF	PANY, INC.										
6. Mine									e ID															
XYZ Mine											7	3	-	0 1 2 3	6 -		(cc	ontr	acto	or)				
Section II Justifica	ation for Action																		_					
Continuation of	Section II, Inspecto	or's Evalu	uation, t	to evaluate 30 CF	FR 4	48.8	8											_	_	_				
ITEM 10A - Rea	sonably Likely																							
ITEM 10B - Lost																								
	nificant and Substa																							
	nber of Persons Af	fected - C)01																					
ITEM 11 - Negli	gence - High																							
-																		_						
																		_	_					
-																								
-																								
-																		_						
																		_	_					
-																								
															:	See	Cor	ntin	uati	on	Forr	n		
Section III Subsec	quent Action Taken	1																						
8. Extended To	A. Date	Da	Yr	B. Time (24 Hr. (Clo	ck)							C.	Vacated	D. Terr	min	ated] E	E. M	odifi	ed	
Section IV Inspec	tion Data		<u> </u>	I					Ш		<u> </u>	1	l					_						
9. Type of Inspection		10. Ev	ent Nu	o 9	7	7	5	5	4															
11. Signature	1 1 1			ARI				12.	Da	te		M		Da Yr	13. Time (24	1 Hi	. Clo	ock)					
JOHN SMYTHE	D			0 3	3	3	4					0	7	0 3 0 1								1	0	0 0

MSHA Form 7000-3a, Mar 85 (Revised)

104(g)(1) ORDER - PART 48 CONTINUATION SHEET SINGLE MINER AND MULTIPLE VIOLATIONS

U.S. Department of LaborMine Safety and Health Administration

Section I Violation Data	
1. Date Mo Da Yr 2. Time (24 Hr. Clock)	3. Citation/Order
0 8 2 0 0 1	Number 8883456
4. Served To	5. Operator
KEN SWIFT, QUARRY FOREMAN	NORTHEAST AGGREGATES
6. Mine	7. Mine ID
NORTHEAST	4 7 - 9 9 1 2 3 - (contractor)
8. Condition or Practice	8a. Written Notice (103g)
The training plan did not include the minimum information specified in 30	CFR Part 46.3(b)(1) through 46.3(b)(5), nor has the plan
been submitted to MSHA for approval.	
The following items contribute to the ineffectiveness of the plan:	
There was not a general description of the teaching methods to be	used.
No approximate time range was given for the subject areas to be co	
No evaluation procedures were included to determine the effectiver	
No course material was provided for training new miners in recogni-	zing and avoiding electrical and other hazards at the mine.
	See Continuation Form (MSHA Form 7000-3a)
O Violation A Health	Gee Continuation Form (Wish A Form 7000-5a)
9. Violation A. Health B. Section	C. Part/Section of
Other of Act	Title 30 CFR 4 6 . 3 a
Section II Inspector's Evaluation	1110 00 01 11
10. Gravity:	
A. Injury or Illness (has) (is): No Likelihood Unlikely X	Reasonably Likely Highly Likely Occurred
B. Injury or Illness could rea-	
sonably be expected to be: No Lost Workdays Lost	Workdays or Restricted Duty X Permanently Disabling Fatal
C. Significant and Substantial (See Reverse): Yes No	X D. Number of Persons Affected 0 1 2
11. Negligence (check one)	
A. None B. Low C. Moderate	X D. High E. Reckless Disregard
12. Type of Action 13	Type of Issuance (check one)
	Citation X Order Safeguard
	ondin
14. Initial Action D. Writte	
A. Citation B. Order C. Safeguard Notice	Order Number
15. Area or Equipment	Number
40 T	
16. Termination Due Mo Da Yr A. Date Mo Da B. Time (24	
0- 8 2 7 0 1 Hr. Clock)	
Section III Termination Action	
17. Action to Terminate	
-	
18. Terminated Mo Da Yr	
A. Date B. Time (24 Hr Clock)	
Section IV Automated System Data	
19. Type of Inspection 20. Event Number	21. Primary or Mill
(activity code) E 0 1 0 9 8 9 3	
22. Signature	23. AR Number
Jay Lowe	0 3 3 3 2
MSHA Form 7000-3 Mar 85 (Revised)	

104(a) CITATION - PART 46 INADEQUATE TRAINING PLAN

September 2005 6 Appendix B

U.S. Department of LaborMine Safety and Health Administration

Section I Violation Data		
1. Date Mo Da Yr 2. Time (24 Hr. Clock)		3. Citation/Order
0 8 2 1 0 1		Number 8 8 8 3 4 5 7
4. Served To	5. Operator	
KEN SWIFT, QUARRY FOREMAN	NORTHEAST AGGREGATE	ES
6. Mine	7. Mine ID	
NORTHEAST	4 7 - 9 9	1 2 3 - (contractor)
8. Condition or Practice		8a. Written Notice (103g)
The miners were not provided a copy of a certified training record upon co	ompletion of new miner training.	
	See Contin	uation Form (MSHA Form 7000-3a)
9. Violation A. Health	0. D	
Safety B. Section Other of Act	C. Part/Section of Title 30 CFR	4 6 . 9 d 1
Section II Inspector's Evaluation	Title 30 Cl 10	4 0 . 0 4 1 1 1 1 1 1 1 1 1
10. Gravity:		
A. Injury or Illness (has) (is): No Likelihood Unlikely X	Reasonably Likely	Highly Likely Occurred
B. Injury or Illness could rea-		
sonably be expected to be: No Lost Workdays X Los	t Workdays or Restricted Duty	Permanently Disabling Fatal
C. Significant and Substantial (See Reverse): Yes No	X	D. Number of Persons Affected 0 0 0
11. Negligence (check one)		
A. None B. Low C. Moderate	D. High	E. Reckless Disregard
12. Type of Action	B. Type of Issuance (check one)	
1 0 4 - a , - -	Citation	Order Safeguard
A A latitical A stices		
14. Initial Action A. Citation B. Order C. Safeguard Notic		F. Dated Mo Da Yr
	Number	
15. Area or Equipment		
16. Termination Due Mo Da Yr		
A. Date 0 8 2 8 0 1 B. Time (24 Hr. Clock)		
Section III Termination Action	0 8 0 0	
17. Action to Terminate		
40 Terminated And De IVe		
18. Terminated Mo Da Yr A. Date B. Time (24 Hr Clock)		
Section IV Automated System Data		
19. Type of Inspection 20. Event Number	21. Primary or Mill	
(activity code) E 0 1 0 9 8 9 3	3 4 1	
22. Signature		23. AR Number
Jay Lowe		0 3 3 3 2
MSHA Form 7000-3 Mar 85 (Revised)		

104(a) CITATION - PART 46 TRAINING CERTIFICATES NOT PROVIDED

U.S. Department of LaborMine Safety and Health Administration

Section Violation Data Section I V	iolotion	Doto																					
A Served To				.,	0.7' (0.411	OL 1)										0:1					\top	П	$\neg \Box$
4. Served To KEN SWIFT, QUARRY FOREMAN 6. Mine NORTHEAST 8. Condition or Practice 1. The mine operator was not making the required records of training that was being completed in segments [30 CFR 46.9b(1-4)]. See Continuation Form (MSHA Form 7000-3a) 9. Violation A. Health Safety B. Section G. Part/Section of Title 30 CFR 46.9b(1-4)]. See Continuation Form (MSHA Form 7000-3a) 9. Violation A. Health Safety B. Section G. Part/Section of Title 30 CFR 46.9b(1-4)]. Section II - Inspector's Evaluation 10. Gravity: A. Injury or Iliness could reasonably (is): No Likelihood Unlikely Macrosometry Macrosometry	1. Date	1	1	1 1	2. Time (24 Hr	. Clock)	0	9 3	0						3.			rder	8	8	8 3	4	5 8
KEN SWIFT, QUARRY FOREMAN	4. Served To	\cdots		<u> </u>				<u> </u>	Ŭ	5. Operat	or					11011	1001				<u> </u>	1 .1	<u> </u>
1. Northeast			ARRY	FORE	MAN							AST A	GGRI	EGAT	ES								
See Continuation Form (MSHA Form 7000-3a)		,												ĪĪ	Ī								
See Continuation Form (MSHA Form 7000-3a)	NORTHE	AST										4 7	- 9	9	1 2	3	-	(co	ontrac	tor)			
See Continuation Form (MSHA Form 7000-3a)	8. Condition	or Pract	ice							•							8a.	Written No	otice ((103g	<u>J)</u>		
See Continuation Form (MSHA Form 7000-3a)																							
9. Violation	The mine	operato	or was	not ma	king the require	d records of tra	ainin	g that	wa	s being co	mpl	eted ir	n segr	nents	[30 C	FR 4	6.9b(1-4)].					
9. Violation																							
9. Violation																							
9. Violation																							
9. Violation																							
9. Violation																							
9. Violation																							
9. Violation														<u> </u>		_	(3.4)		=	- \			
Safety													See	Conti	nuatio	n Fo	rm (M	SHA Form	7000-	3a)			
Other	9. Violation				D. C4:					,	. D.	1/0											
Section II - Inspector's Evaluation 10. Gravity:										,				DΤ			1 6	ah					
10. Gravity: A. Injury or Illness (has) (is): No Likelihood Unlikely X Reasonably Likely Highly Likely Occurred B. Injury or Illness could reasonably be expected to be: No Lost Workdays X Lost Workdays or Restricted Duty Permanently Disabling Fatal C. Significant and Substantial (See Reverse): Yes No X D. Number of Persons Affected O O O O O O O O O	Section II I			aluation				!			- 11	116 30	OI IX				7 0	. 5 6	_				
B. Injury or Illness could reasonably be expected to be: No Lost Workdays X Lost Workdays or Restricted Duty Permanently Disabling Fatal C. Significant and Substantial (See Reverse): Yes No X D. Number of Persons Affected 0 0 0 0 11. Negligence (check one) A. None B. Low C. Moderate X D. High E. Reckless Disregard 12. Type of Action 1 0 4 - a																							
C. Significant and Substantial (See Reverse): Yes No X D. Number of Persons Affected O O O	A. Injury o	r Illness	(has)	(is): I	No Likelihood	Un	likely	/ X	ļ	Reaso	nabl	y Likel	у		H	lighly	/ Likel	у 📙	C	Occur	red	Ш	
C. Significant and Substantial (See Reverse): Yes No X D. Number of Persons Affected 0 0 0 0 11. Negligence (check one) A. None B. Low C. Moderate X D. High E. Reckless Disregard 12. Type of Action 1 0 4 - a , Type of Action D. Written Notice E. Citation X Order Safeguard 14. Initial Action A. Citation B. Order C. Safeguard D. Written Notice E. Citation/Order Number 15. Area or Equipment 16. Termination Due A. Date No Da Yr Hr. Clock) 17. Action to Terminate 18. Terminated A. Date No Da Yr B. Time (24 Hr Clock) Section IV Automated System Data 19. Type of Inspection E 0 1 20. Event Number 0 9 8 9 3 4 1 21. Primary or Mill 21. Primary or Mill 22. Primary or Mill 23. Type of Inspection (activity code) E 0 1 20. Event Number 0 9 8 9 3 4 1																							
11. Negligence (check one) A. None B. Low C. Moderate X D. High E. Reckless Disregard 12. Type of Action 1 0 4 - a , ,	sona	bly be e	expecte	ed to be	e: No Lost	Workdays	Χ	L	ost	Workdays	or F	Restric	ted D	uty		F	Perma	nently Disa	abling		F	atal	
11. Negligence (check one)	C. Signif	ficant ar	nd Sub	stantia	I (See Reverse)	: Yes		No)	Х					D. 1	Numb	oer of	Persons At	ffected	d		0	0 0
12. Type of Action					,					· · · · · · · · · · · · · · · · · · ·													
1	A. None)			B. Low		C. N	lodera	ate	X]	[D. Hig	h				E. Reckles	ss Disi	regar	d		
14. Initial Action	12. Type of A	Action							13.	Type of I	ssua	ance (d	check	one)									
A. Citation B. Order C. Safeguard Notice Order Number 15. Area or Equipment 16. Termination Due A. Date Mo Da Yr B. Time (24 Hr. Clock)			1	0 4	- a ,	-		-		Citation			X		(Orde	.		Safeg	uard			
A. Citation B. Order C. Safeguard Notice Order Number 15. Area or Equipment 16. Termination Due A. Date Mo Da Yr B. Time (24 Hr. Clock)	44 1 22 1 4 4						Щ				I -	0::		1 1							Ξ.		
15. Area or Equipment 16. Termination Due			В	Order		feguard	 				E.							F. Dated	a	IVIO	· L	Ja I	Yr
16. Termination Due		L		. Oraci	O. 0¢	licguaru		140	rticc														
A. Date	15. Area or E	quipme	ent																		_		
A. Date																					—		
0 8 2 8 0 1 Hr. Clock) 0 8 0 0 Section III Termination Action 17. Action to Terminate 18. Terminated A. Date Mo	16. Terminat	ion Due			Mo Da `																		
Section III Termination Action 17. Action to Terminate 18. Terminated			A. I	Date																			
18. Terminated A. Date Mo Da Yr B. Time (24 Hr Clock) Section IV Automated System Data 19. Type of Inspection (activity code) E 0 1 20. Event Number 0 9 8 9 3 4 1	Section III	Termina	ation A	ction	0 8 2 8 0) 1 Hr.	Clo	CK)		0 8 0	U												
A. Date																							
A. Date																							
A. Date	10 T : 1					1																	
19. Type of Inspection (activity code) E 0 1 20. Event Number 0 9 8 9 3 4 1 21. Primary or Mill	18. Terminat		A. Date		o Da Yr	B. Time (24	Hr C	Clock)															
(activity code) E 0 1 0 9 8 9 3 4 1	Section IV	Automa	ated Sy	/stem [Data																		
	19. Type of I	nspectio			20. Event	Number				2	1. P	rimary	or Mi	II									
22. Signature 23. AR Number)	E 0	1	0	9	8 9	3	4 1													
1 1 1 1	22. Signature	9															23	B. AR Num	ber				
Jay Lowe 0 3 3 3 2	Jay Lowe	!																			0 3	3	3 2

MSHA Form 7000-3 Mar 85 (Revised)

104(a) CITATION - PART 46 INCOMPLETE TRAINING RECORDS

U.S. Department of LaborMine Safety and Health Administration

Section I Violation Data	
1. Date Mo Da Yr 2. Time (24 Hr. Clock)	3. Citation/Order
0 8 2 1 0 1	Number 88883459
4. Served To	5. Operator
KEN SWIFT, QUARRY FOREMAN	NORTHEAST AGGREGATES
6. Mine	7. Mine ID
NORTHEAST	4 7 - 9 9 1 2 3 - (contractor)
8. Condition or Practice	8a. Written Notice (103g)
The mine operator failed to record and certify that each miner had receive	ed the required training.
	0 0 4 4 5 (40)4 5 (500 0)
	See Continuation Form (MSHA Form 7000-3a)
9. Violation A. Health	O. Dank/Continue of
Safety B. Section Other of Act	C. Part/Section of Title 30 CFR 4 6 . 9 a
Section II Inspector's Evaluation	Title 30 CFR
10. Gravity:	
A. Injury or Illness (has) (is): No Likelihood Unlikely X	Reasonably Likely Highly Likely Occurred
B. Injury or Illness could rea-	
sonably be expected to be: No Lost Workdays X Los	t Workdays or Restricted Duty Permanently Disabling Fatal
C. Significant and Substantial (See Reverse): Yes No	X D. Number of Persons Affected 0 0 0
11. Negligence (check one)	
A. None B. Low C. Moderate	e X D. High E. Reckless Disregard
12. Type of Action	3. Type of Issuance (check one)
1 0 4 - a , - - -	Citation X Order Safeguard
14. Initial Action D. Writte	
A. Citation B. Order C. Safeguard Notic	e
15. Area or Equipment	
16. Termination Due Mo Da Yr	
A. Date B. Time (24	
Section III Termination Action	0 8 0 0
17. Action to Terminate	
18. Terminated Mo Da Yr A. Date B. Time (24 Hr Clock)	
A. Date	
Section IV Automated System Data	
19. Type of Inspection 20. Event Number	21. Primary or Mill
(activity code) E 0 1 0 9 8 9 3	3 4 1
22. Signature	23. AR Number
Jay Lowe	0 3 3 3 2
MSHA Form 7000-3 Mar 85 (Revised)	

104(a) CITATION - PART 46 TRAINING RECORDS NOT PROVIDED

U.S. Department of LaborMine Safety and Health Administration

Section I V	iolation	Data																											
1. Date	Мо	Da	Yr	2.	Time	(24 Hr	. Cloc	k)											3	. Cit	ation	/Orde	r						
	0 8	2 0	0	ı					0	8	0	0								Nι	mbe	r			4	4 1	0	1 8	9
4. Served To			-	•					-		-	-	. Оре	erator											-				-
JAMES D	OBSON	I, PRE	SIDE	NT									QR	RS MI	NING	СО	MPA	NY											
6. Mine												7	. Min	e ID															
WMC MIN	NE AND	MILL													7	3	- (1	2	3 6	-			(con	tracto	r)			
8. Condition	or Pract	ice																			8	Ba. Wı	ritten	Notio	ce (1	03g)			
Chad Sco							_						_							_			_						
after begi							_			_	_		_			_	_						_						
The mine																													
until he re				liali	iirig. i	пеге	uerar	iviirie 3	alety	anu	пе	ailii	ACI U	1197	7 Stat	.65 (iiai a	II UIII	Iallit	eu IIII	ner i	s a IIa	Zaiu						
to minisen	and to	Otricis																											
																5	See	Conti	nuati	on F	orm (MSH	A For	m 70	000-3	а)			
9. Violation	A. Hea	lth																											
	Safe	ety		В.	Section	n									Part/S			f											
	Oth	-	Щ,		of Act										Title 3	30 C	FR				4	6 .	5 a	ì			丄		
Section II I	nspecto	r's Eva	aluatio	on																									
A. Injury or	r Illness	(has)	(is):	No	Likeliho	ood		J	Jnlike	ly			Rea	sona	bly Li	kely	X			High	ly Lil	cely			Od	curre	d [
B. Injury	•								_	,					_					_							_		
sona	bly be e	xpecte	ed to	oe:	No	o Lost	Work	days			Lo	st W	orkda	ays o	r Rest	tricte	ed D	uty	L		Perr	naner	itly Di	isabl	ing	Ш	Fata	al	X
C. Signif	ficant ar	nd Sub	stant	al (S	ee Rev	verse)	:	Yes	Х		No								D.	Nun	ber	of Per	sons	Affe	cted		\exists	0 0) 1
11. Negligen				,		<u>'</u>																							
A. None	•				B. Lov	٧			C. I	Mod	erat	te				D.	Hig	า	Σ			E.	Reck	less	Disre	gard			
12. Type of A	Action										1	13. T	vpe	of Iss	uance	e (ch	neck	one)											
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14. Initial Act	ion									D. '	Writ	ten			E. Cit	ation	n/						F. Da	ted		Мо	Da	,	Yr
A. Citati	ion	В.	. Orde	er		C. Sa	fegua	rd		ı	Noti	ice				der ımbe	er												
15. Area or E																													
Chad S	cott (payr	oll numb	oer 983	342)																									
16. Terminati	ion Due			М	o D	a \	/r																						
			Date		ĺĺ	Ī	i I	B. Ti	me (2	24																			
O	T !	4: ^	-4:					H	lr. Clo	ock)																			
Section III 17. Action to			ction																								—		
17.7101101110	101111111	210																											
18. Terminate		A. Date		Mo 	Da	Yr	В.	Time (2	24 Hr	Cloc	ck)																		
Section IV	Automa	ted Sv	/stem	Data	<u> </u>																								
19. Type of Ir			, 3.3.11			vent N	Jumbe	er		П				21	Prima	arv c	or Mi	ı											
	•		E (1	20. L		-311150		0 9	7	7	5 !	5 5	- ''		.,, .	. IVII	•											
22. Signature	ty code)		<u> </u>	1 1					υĮϿ	/	/	J i	J 3	<u> </u>							<u> </u>	23. A	P N	ımha	r	$\neg \neg$	\neg	<u> </u>	\top
Ü																						23. A	ii v i vi U	ne				۔ ا	
John Red																										0	3	3 3	3
MSHA Form	7000-3	Mar 8	5 (Re	vised	1)																								

104(g)(1) ORDER - PART 46 SINGLE MINER AND A SINGLE VIOLATION

U.S. Department of LaborMine Safety and Health Administration

Section I Violation Data	
1. Date Mo Da Yr 2. Time (24 Hr. Clock)	3. Citation/Order
0 8 2 0 0 1	Number 4 4 1 0 0 8 9
4. Served To	5. Operator
JAMES DOBSON, PRESIDENT	QRS MINING COMPANY
6. Mine	7. Mine ID
QRS MINE	7 3 - 0 1 2 3 6 - (contractor)
8. Condition or Practice	8a. Written Notice (103g)
Twenty-two miners working at the mine have not received annual refresher	
training was last provided to these miners on April 11, 2000. The mine op	* 1
The mine operator must withdraw the 22 miners from the mine until they h	
Federal Mine Safety and Health Act of 1977 states that an untrained mine	r is a nazard to nimself and to others.
	See Continuation Form (MSHA Form 7000-3a)
9. Violation A. Health	
Safety B. Section	C. Part/Section of
Other of Act	Title 30 CFR 4 6 . 8 a
Section II Inspector's Evaluation 10. Gravity:	
A. Injury or Illness (has) (is): No Likelihood Unlikely X	Reasonably Likely Highly Likely Occurred
B. Injury or Illness could rea-	
sonably be expected to be: No Lost Workdays Lost	Workdays or Restricted Duty X Permanently Disabling Fatal
C. Significant and Substantial (See Reverse): Yes No	X D. Number of Persons Affected 0 2 2
11. Negligence (check one)	
A. None B. Low C. Moderate	D. High X E. Reckless Disregard
12. Type of Action	. Type of Issuance (check one)
1 0 4 - g - 1 , - -	Citation Order X Safeguard
14. Initial Action D. Writte	en E. Citation/ F. Dated Mo Da Yr
A. Citation B. Order C. Safeguard Notice	e Order Number
15. Area or Equipment	
Joseph Johns, Harry Tee, Mike Mott, Mark Hank, Sam Wright, Harold Moody, et. al.	
16. Termination Due Mo Da Yr	
A. Date B. Time (24	
Section III Termination Action	
17. Action to Terminate	
18. Terminated Mo Da Yr A. Date Mo Da B. Time (24 Hr Clock)	
Section IV Automated System Data	
19. Type of Inspection 20. Event Number	21. Primary or Mill
·	
(activity code) E 0 1 0 9 7 7 5	23. AR Number
·	
John Redwood	0 3 3 3 3
MSHA Form 7000-3 Mar 85 (Revised)	

104(g)(1) ORDER - PART 46 MULTIPLE MINERS AND A SINGLE VIOLATION

U.S. Department of LaborMine Safety and Health Administration

Section I Violation Data	
1. Date Mo Da Yr 2. Time (24 Hr. Clock)	3. Citation/Order
0 8 2 0 0 2 0 9 3 0 4. Served To	Number 4 4 1 0 1 9 0 5. Operator
JAMES DOBSON, PRESIDENT	QRS MINING COMPANY
6. Mine	7. Mine ID 7 3 - 0 1 2 3 6 - (contractor)
QRS MINE 8. Condition or Practice	
o. Condition of Fractice	oa. Willell Notice (1039)
Bill Porter (payroll number 98340), haul truck driver, had not received the	MSHA-required task training on the haul truck he was operating
prior to assuming his duties on June 6, 2000. [30 CFR Part 46.7] Mr. Port	
that he had not operated haulage trucks prior to this date. [30 CFR 46.77]	or had been arring the track of the days. The malecieu
Bill Porter had not received annual refresher training within the last 12 mo	nths. The last date that he received annual refresher training
was February 14, 2001. [30 CFR Part 46.8]	
The mine operator was aware of the Part 46 training requirements. The F	ederal Mine Safety and Health Act of 1977 states that an
untrained miner is a hazard to himself and to others.	
Note: The second standard is evaluated for S&S on a mine citation/order	continuation form.
	See Continuation Form (MSHA Form 7000-3a)
9. Violation A. Health	
Safety B. Section	C. Part/Section of
Other of Act	Title 30 CFR 4 6 . 7 a
Section II Inspector's Evaluation 10. Gravity:	
A. Injury or Illness (has) (is): No Likelihood Unlikely	Reasonably Likely X Highly Likely Occurred
B. Injury or Illness could reasonably be expected to be: No Lost Workdays Lost	Workdays or Restricted Duty Permanently Disabling Fatal X
C. Significant and Substantial (See Reverse): Yes X No	
C. Significant and Substantial (See Reverse): Yes X No 11. Negligence (check one)	D. Number of Persons Affected 0 0 1
A. None B. Low C. Moderate	D. High X E. Reckless Disregard
	. Type of Issuance (check one)
1 0 4 - g - 1 ,	Citation Order X Safeguard
14. Initial Action D. Writte	
A. Citation B. Order C. Safeguard Notice	e
15. Area or Equipment	Number
Bill Porter (payroll number 98340)	
16. Termination Due	
Hr. Clock)	
Section III Termination Action	
17. Action to Terminate	
18. Terminated Mo Da Yr	
A. Date B. Time (24 Hr Clock)	
Section IV Automated System Data	
19. Type of Inspection 20. Event Number	21. Primary or Mill
22. Signature	23. AR Number
John Redwood	0 3 3 3 3
MSHA Form 7000-3 Mar 85 (Revised)	

104(g)(1) ORDER - PART 46 SINGLE MINER AND MULTIPLE VIOLATIONS

U.S. Department of LaborMine Safety and Health Administration

Section I Subsequ	uent Action/Continuation	n Data															
1. Subsequent Action			ssue) M		Da 2 0	Yr 0 2	2	3. Citation		4	4	1	0	0	8 9) -	
4. Served To				5.	Ope	rator					1						
JAMES DOBSO	N, PRESIDENT				QR	S MII	NING	i									
6. Mine				7.	Mine	e ID											
QRS Mine							7	3 - 0 1 2	3 6 -		(co	ntra	acto	r)			
Section II Justifica	ation for Action																
Continuation of	Section II, Inspector's E	Evaluation, to evaluation	ate 30 CFR 4	16.8a													
ITEM 10A - Unli	kely																
ITEM 10B - Lost																	
	nificant and Substantial																
	nber of Persons Affecte	ed - 001															
ITEM 11 - Negli	gence - High																
-																	
-																	
										See	Con	ıtinı	uatio	on Fo	orm		$\overline{\Box}$
Section III Subsection	Juent Action Taken																
8. Extended To		Da Yr															
or Extended 10	A. Date	1 1 1 1	e (24 Hr. Cloo	ck)				C. Vacated	D. Terr	mina	ated			E.	Mod	ified	
Section IV Inspec	tion Data																
9. Type of Inspection). Event Number	0 9 7	7 5	5 5	5											
11. Signature	1 1 1 1		AR Num			Date)		′r 13. Time (24	1 Hr	. Clc	ock)					
JOHN REDWO	DD		0 3 3	3 3	3			0 8 2 0 0	2						(9	3 0

MSHA Form 7000-3a, Mar 85 (Revised)

104(g)(1) ORDER - PART 46 CONTINUATION SHEET SINGLE MINER AND MULTIPLE VIOLATIONS

Appendix C

Health Violations

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104(a) Citation - Termination after Resampling	3
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104(a) Citation - 62.130 Noise	
104(a) Citation - Terminated	
104(a) Citation - 62.140 Noise	
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104(b) Order - Modification	
104(b) Order - Termination	
104(b) Order – Modification (Reinstating)	
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U.S. Department of LaborMine Safety and Health Administration

Section I Violation Data	
1. Date Mo Da Yr 2. Time (24 Hr. Clock)	3. Citation/Order
0 7 1 8 0 1 1 6 0 4. Served To	0 Number 4 4 1 0 1 8 8 5. Operator
SYDNEY JONES, PRESIDENT	TMC MINING COMPANY
6. Mine	7. Mine ID
TRIANGLE MINE	7 2 - 0 0 0 1 2 - (contractor)
8. Condition or Practice	8a. Written Notice (103g)
The repair shop welder was exposed to a shift-weighted average of	
2001. This amount exceeded the Threshold Limit Value (TLV) of 1.0	
and elemental analysis. The employee was welding tubing in the re	
The engineering control in use was one 24-inch exhaust fan in the sl	nop roof. The welder was not wearing a respirator and a
respirator program meeting the requirements of ANSI Z88.2-1969 wa	
of a respiratory protection program meeting the requirements of ANS	
the minimum requirements is established, the abatement date will be	e extended to allow the mine operator time to install
additional engineering controls.	
* Note: The error factor for metal dust and fume sampling	is determined by, and will be supplied by, the Pittsburgh lab.
Note: The error factor for metal dust and fame sampling	is determined by, and will be supplied by, the ratiobal grinds.
	See Continuation Form (MSHA Form 7000-3a)
9. Violation A. Health	
Safety B. Section	C. Part/Section of
Other of Act Section II Inspector's Evaluation	Title 30 CFR 5 6 . 5 0 0 1 a /. 5 0 0 5
10. Gravity:	
A. Injury or Illness (has) (is): No Likelihood Unlikely	Reasonably Likely X Highly Likely Occurred
B. Injury or Illness could rea-	
· · · —	st Workdays or Restricted Duty Permanently Disabling X Fatal
C. Significant and Substantial (See Reverse): Yes X No	D. Number of Persons Affected 0 0 1
11. Negligence (check one)	D. Number of Crossis Affected
A. None B. Low C. Modera	te X D. High E. Reckless Disregard
12 Type of Action	3. Type of Issuance (check one)
12. Type of Action	Citation X Order Safeguard
	Citation Saleguard Saleguard
14. Initial Action D. Writ	tten E. Citation/ F. Dated Mo Da Yr
A. Citation B. Order C. Safeguard Noti	ce Order
15. Area or Equipment	Number
16. Termination Due Mo Da Yr A. Date B. Time (24	
0 7 2 0 0 1 Hr. Clock)	0 8 0 0
Section III Termination Action	
17. Action to Terminate	
10 Terminated Mo Do Vr	
18. Terminated Mo Da Yr A. Date B. Time (24 Hr Clock)	
Section IV Automated System Data	
19. Type of Inspection 20. Event Number	21. Primary or Mill
(activity code) E 0 1 0 7 6 8	9 8 7
22. Signature	23. AR Number
TED JOHNSON	0 4 7 8 9
MSHA Form 7000-3 Mar 85 (Revised)	

104(a) CITATION - "S&S" - OVEREXPOSURE

TO WELDING FUMES

U.S. Department of LaborMine Safety and Health Administration

Section I Subsequent Action/Continuation Data														
1. Subsequent Action 1a. Continuation 2. Dated (Original	l Issue)	Mo 0 7	Da 1	8 0			tion/Order nber		4	4	1 0	1 8	8 -	0 1
4. Served To			5. 0	Operat	or	·							1	
SYDNEY JONES, PRESIDENT						G COMPANY								
6. Mine				/line IE										
TRIANGLE MINE			' '	/III IC IL		2 - 0 0	0 1 2 -			(cor	ntracto	>r\		
Section II Justification for Action						2 - 0 0	0 1 2			COI	liacio	<i>n)</i>		
A respiratory protection program meeting the require	ments of AN	NSI Z	88.2	1969	is in pl	ace. The wel	der is wea	ring a pi	rope	rly f	itted			
and approved respirator (Wilson Model 1212, Approv									_	_		01,		
for the implementation of additional engineering con-														
adequate engineering controls have been implement	ed and furth	ner sa	ampli	ng by	MSHA	confirms the	exposure	to be les	ss th	an				
the permissible exposure limit times the error factor.														
-														
								Se	e Co	ontir	nuatio	n Forr	m	
Section III Subsequent Action Taken						1								
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Section IV Inspection Data O Type of Inspection 10 Event Number	_													
9. Type of Inspection E 1 5 10. Event Numbe		6 8	9	9 1										
11. Signature	AR N			12. Da	te			Γime (24	Hr.	Clo	ick)			
TED JOHNSON	0 4	7 8	9			0 7 2 1	0 1						1 5	3 0

MSHA Form 7000-3a, Mar 85 (Revised)

U.S. Department of LaborMine Safety and Health Administration

Subsequent Action 1a. Configuration 2a. Date Mo Da Yr Number 4 4 1 0 1 8 8 - 0 2																				
4. Served To SYDNEY JONES, PRESIDENT 5. Operator SYDNEY JONES, PRESIDENT 7. Mine ID 7, Mine ID 7, July 1, 0, 0, 0, 1, 1, 2, 0, 0, 0, 1, 1, 2, 0, 0, 0, 1, 1, 2, 0, 0, 0, 1, 1, 2, 0, 0, 0, 1, 1, 2, 0, 0, 0, 1, 1, 2, 0, 0, 0, 1, 1, 2, 0, 0, 0, 1, 1, 2, 0, 0, 0, 1, 1, 2, 0, 0, 0, 1, 1, 2, 0, 0, 0, 1, 1, 2, 0, 0, 0, 1, 1, 2, 0, 0, 0, 1, 1, 2, 0, 0, 0, 1, 1, 2, 0, 0, 0, 0, 1, 1, 2, 0, 0, 0, 1, 1, 2, 0, 0, 0, 0, 1, 1, 2, 0, 0, 0, 0, 1, 1, 2, 0, 0, 0, 0, 1, 1, 2, 0, 0, 0, 0, 1, 1, 2, 0, 0, 0, 0, 1, 2, 0, 0, 0, 0, 1, 2, 0, 0, 0, 0, 1, 2, 0, 0, 0, 0, 1, 2, 0, 0, 0, 0, 0, 0, 0, 0, 0, 0, 0, 0, 0,	Section I Subsequent	Action/Continuation	Data											_						
SYDNEY JONES, PRESIDENT TRIANGLE MINE 7. Mine ID 7 2 . 0 0 0 1 2 . (contractor) Section III Subsequent Action Taken Secti		1a. Continuation										4	4	1	0	1	8	8 -	0	2
SYDNEY JONES, PRESIDENT TRIANGLE MINE The mine operator purchased and installed a local exhaust furme collection system that can be moved close to welding and cutting operations. The welder in the repair shop was exposed to a shift-weighted average of 0,13 mg/m3 of nickel welding furnes after a resample was conducted by MSHA on August 22, 2001. This average is less than the Threshold Limit Value (TLV), times the error factor (1,10) for welding furne sampling and elemental analysis. The analytical results were received and the termination issued on September 1, 2001. September 1, 2001. Seetion III — Subsequent Action Taken Seet Continuation Form Section III — Subsequent Action Taken B. Extended To A. Date D. Terminated E. E. Modified T. Mine ID T. Mine ID T. J. J. Date T. Mine ID T. J. J. Date T. J. J. J. J. J. J. J. J. J. Time (24 Hr. Clock) D. Terminated E. E. Modified T. J. J. J. J. J. J. Time (24 Hr. Clock)	4. Served To				5	5. O	perat	or		1						ш	<u> </u>			
6. Mine TRIANGLE MINE Section II - Justification for Action The mine operator purchased and installed a local exhaust fume collection system that can be moved close to welding and cutting operators. The welder in the repair shop was exposed to a shift-weighted average of 0.31 mg/m3 of nickel welding times after a resample was conducted by M8H Aon August 22, 2001. This average is less than the Threshold Limit Value (TLV) times the error factor (1.10) for welding fume sampling and elemental analysis. The analytical results were received and the termination issued on September 1, 2001. September 1, 2001. Section III - Subsequent Action Taken 8. Extended To A. Date Mo Da Yr B. Time (24 Hr. Clock) C. Vacated D. Terminated E. Modified 11. Signature AR Number 1z. Date Mo Da Yr 13. Time (24 Hr. Clock)	SYDNEY JONES. P	RESIDENT					-		ING CO	MPANY										
Section III - Subsequent Action Taken 8. Extended To A. Date Mo Da Yr A. Date Mo Da Yr A. Date Mo Da Yr B. Time (24 Hr. Clock) Section IV - Inspection Data 9. Type of Inspection E 1 5 10. Event Number 0 7 6 8 9 9 4 11. Signature The mine operators purchased and installed a local exhaust fume collection system that can be moved close to welding and cutting operations. The welder fine repair shop was exposed to a shift-weighted average of 0.13 mg/m3 of nickel welding fumes after a resample was conducted by MSHA on August 22, 2001. This average is less than the Threshold Limit Value (TLV) times the error factor (1.10) for welding fume sampling and elemental analysis. The analytical results were received and the termination issued on September 1, 2001. September 1, 2001. Section IV - Inspection Data 9. Type of Inspection E 1 5 10. Event Number 12. Date Mo Da Yr 13. Time (24 Hr. Clock) 11. Signature AR Number 12. Date Mo Da Yr 13. Time (24 Hr. Clock)					7								Τ							
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The mine operator purchased and installed a local exhaust fume collection system that can be moved close to welding and cutting operations. The welder in the repair shop was exposed to a shirt-weighted average of 0.13 mg/m3 of nickel welding fumes after a resample was conducted by MSHA on August 22, 2001. This average is less than the Threshold Limit Value (TLV) times the error factor (1.10) for welding fume sampling and elemental analysis. The analytical results were received and the termination issued on September 1, 2001. September 1, 2001. Section III — Subsequent Action Taken 8. Extended To A Date Mo Da Yr B. Time (24 Hr. Clock) Section IV — Inspection Data 9. Type of Inspection E 1 5 10. Event Number 0 7 6 8 9 9 4 11. Signature Mo Da Yr 13. Time (24 Hr. Clock)		for Action							1 2 -				(0	JIII	acii	JI)				
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factor (1.10) for welding fume sampling and elemental analysis. The analytical results were received and the termination issued on September 1, 2001. September 1, 2001. Section III Subsequent Action Taken 8. Extended To A Date Mo Da Yr B. Time (24 Hr. Clock) Section IV Inspection Data 9. Type of Inspection E 1 5 10. Event Number 0 7 6 8 9 9 4 AR Number 12. Date Mo Da Yr 13. Time (24 Hr. Clock)	operations. The wel	der in the repair sho	p was exposed to a s	hift-w	eigh/	nted	aver	age	of 0.13	mg/m3 of nic	kel welding f	ume	es a	afte	rа					
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9. Type of Inspection	Section IV Inspection	Data	1 1 1																	
11. Signature AR Number 12. Date Mo Da Yr 13. Time (24 Hr. Clock)		10. E																		
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TED JOHNSON 0 4 7 8 9 0 9 0 1 0 1 0 9 1 5	11. Signature		AF	≺ Nur	nber	r_ 1:	2. Da	ate	Mo	Da Yr	13. Time (2	′4 H	r. C	iloc	K)					
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MSHA Form 7000-3a, Mar 85 (Revised)

U.S. Department of LaborMine Safety and Health Administration

Section I V	iolatior	n Data																	
1. Date	Мо	Da	Yr	2. Time (24 H	r. Clock)							3. Cit	ation	Order					
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4. Served To		1 0	U			<u> </u>	o o c	5. Op	orator			INU	ımbei			4 4	1110	<u>' ' '</u>	o _j a
J.B. SMIT		EGIDE	INIT							ING COMPA	۸NIV								
6. Mine	Π, ΕΙΧΙ	LSIDL	-111					7. Min		ING COMPA	111								
S&S MINI	=								10 12	7 1 - 0	3 7	9 8	-		(con	tractor	r)		
8. Condition		ctice						ı			1 • 1 ·	1 0 0		a. Writte					
The prima	ry crus	sher o	perato	r was exposed	to a shift-wei	ghte	d averaç	ge of 3.3	30 mg/	m³ of respiral	ıble sili	ca-bea	ring c	lust on	07/02/	01. Tł	nis		
exceeded	the Th	resho	old Lim	it Value (TLV) c	of 1.25 mg/m3	3 tim	es the e	rror fac	tor (1.2	20 for respira	able fre	e silica	a dust	sampli	ng and	analy	sis).		
				ot being used a	•						•								
				ering controls w															
				d a ventilation so	•														
				ate will be exten		•													
10 III piace	, tho a	baton	iorit ac	tto wiii bo oxtori	aca to anow		ппо орс	orator til	1110 10 1	notali daditio	ziiai aii	а гора	ii Oxio	ang on	girioon	ng cor	111010.		
										S00 C	Continu	untion I	Form	(MSHA	Form	7000	20)		
0.15-1-6	A 11	10.				1 1				366.0	JOHUH	lation	-01111	(IVISHA	FOIIII	7000-	эа) Т Т	1 1	
9. Violation	A. Hea Saf			B. Section					C D	art/Section o	of								
	Oth	•		of Act						itle 30 CFR	OI .		5 6	5 5	0 0	1 a	/. 5	0	0 5
Section II I			valuati			1 1				1110 00 01 11				<u>/ · ∪</u>	0 0	~	<u> , </u>	7 0	<u> </u>
10. Gravity:					——————————————————————————————————————					-	_			-	-				
A. Injury o	r Illnes	s (has	s) (is):	No Likelihood	Ur	nlikel	у	Rea	asonab	ly Likely X]	Higl	nly Lik	ely]	Occ	curred	Ш	
B. Injury																			
sonal	oly be	expec	ted to	be: No Lost	Workdays	Ш	Lost	Workd	ays or	Restricted D	outy	P	ermar	ently D	isablin	ig X	F	atal	
C. Signif	icant a	nd Su	bstant	ial (See Revers	se): Yes	Х	No					D. Nur	nber	of Perso	ons Aff	ected		0	0 1
11. Negligen					,	11													
A. None	, [B. Low		C. N	Moderat	е	X	D. High	h			E. Re	eckless	Disre	gard		
12. Type of A	ction						1:	3. Type	of Issu	ance (check	(one)								
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14. Initial Act	_		01.	. 🗆		, 1	D. Writt		, E	. Citation/				F. [Dated	N	l oN	Da	Yr
A. Citati	on	в	. Orde	г <u> </u>	afeguard		Notic	e	J	Order Number									
15. Area or E	quipm	ent																	
16. Terminati	on Du	<u>. T</u>		Mo Da Y	/r														
TO. Terrimia	on Du		Date		B. Tir	ne (2	24												
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Section III 17. Action to			Action																
17. ACTION TO	remiii	iale																	
18. Terminate	ed		M	lo Da Yr															
	,	A. Dat	ie		B. Time (2	4 Hr	Clock)												
Section IV	Autom	ated ^c	System	Data															
19. Type of li			2,50011	20. Event I	Number	П			21 F	Primary or Mil	ill								
(activit	•		E 0			ا۾	5 0 1	8 9		, 5									
22. Signature		1	- 10	- ' 	13	J	J 0 1	ا د اد	<u> </u>				Щ.	23. AR	Numbe		П		
J													•	_5. / 11 (. 1011100			_	
TED JOH MSHA Form			0E /D-	visod)													0 4	/	8 9
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104(a) CITATION - "S&S" OVEREXPOSURE TO SILICA-BEARING DUST

U.S. Department of LaborMine Safety and Health Administration

Section I Subsequent Action/Continuation Data											
1. Subsequent Action 1a. Continuation 2. Dated (Original Is	ssue) Mo		3 O 1	3. Citation		4	4	1 0	1 8	9 -	0 1
4. Served To	L	5. O	perator	<u> </u>							
J.B. SMITH, PRESIDENT				NG COMPANY							
6. Mine			ine ID			П					
		7. 101	ille iD	7 1 - 0 3 7							
S&S MINE Section II Justification for Action				7 1 - 0 3 7	9 0 -	Ш	(con	tracto)r)		
Section II Sustinication for Action											
A Respiratory Protection Program meeting the requirem	nents of ANS	1 788 2	-1969 is	in place. The prim	ary crusher one	rato	risı	wearir	ng a		
properly fitted and approved respirator (MSA COMFO II											
August 15, 2001, for the implementation of additional er											
respirator while operating the crusher until engineering								•	<i>,</i> u		
the exposure to be less than the Threshold Limit Value					pg 2)e						
	()										
							—				
					Se	e Co	ontir	nuatio	n Form	n	
Section III Subsequent Action Taken											
8. Extended To A. Date Mo Da Yr B. Time B. Time	e (24 Hr. Cloo	ck)	1 2	0 0 C. Vacated	D. Terr	nina	ited		E. Mo	odified	
Section IV Inspection Data		1 1	1 1								
9. Type of Inspection E 1 5	3 8 5	0 1 9	9 6								
11. Signature	AR Num	nber 1	2. Date	Mo Da Y	r 13. Time (24	4 Hr.	. Clc	ck)			
TED JOHNSON		8 9		0 7 2 1 0		_	_	_		1 5	3 0

MSHA Form 7000-3a, Mar 85 (Revised)

104(a) CITATION - EXTENSION AFTER RESPIRATORY PROTECTION PROVIDED FOR SILICA-BEARING DUST

U.S. Department of LaborMine Safety and Health Administration

Section I Subsequent	Action/Continuation	Data																
1. Subsequent Action	1a. Continuation	Dated (Original Issue)	М О		Da 1 8	Yr 0		Citation/Order Number	4	4	1	0	1	8	9	-	0	2
4. Served To				5	5. Op	erat	or			1								_
J.B. SMITH, PRESID	NENT			ľ	-			NG COMPANY										
6. Mine	DLINI			١,	7. Mir			I I I I I I I I I I I I I I I I I I I	T									_
				'	. IVIII	IE IL		7 4 0 3 7 0 8		,-			۱					
S&S MINE Section II Justification	for Action							7 1 - 0 3 7 9 8 -	上	(CC	ont	ract	.Or))				
Gection ii Justineation	101 Action																	_
The mine operator re	eplaced the control b	ooth's broken window	and	inst	alled	a he	atir	ng and cooling unit in the booth of	the	pri	ma	arv	_					_
								t levels. The primary crusher										
operator was expose	ed to a shift-weighted	d average of 0.82 mg/r	m3 of	res	pirat	ole si	lica-	bearing dust during a resample c	onc	duct	ted	<u> </u>						
								lue (TLV) of 1.11 mg/m3.										
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								S	ee	Cor	ntir	nuat	ion	For	m			
Section III Subsequen	t Action Taken																	
8. Extended To A. D	ate Mo Da	Yr B. Time (24 Hr	. Clo	ck)				C. Vacated D. Teri	min	ate	d	Χ] [E. M	lodi	fied	[
Section IV Inspection										,					,			
9. Type of Inspection	E 1 5	vent Number 3 8	3 5	0	2 0	0												
11. Signature		AR	Nun	nber	12	2. Da	te	Mo Da Yr 13. Time (2-	4 H	r. C	loc	ck)						
TED JOHNSON		0 4	1 7	8	9			0 9 0 1 0 1							1	1	3	0

MSHA Form 7000-3a, Mar 85 (Revised)

U.S. Department of LaborMine Safety and Health Administration

Section I Violation Data								
1. Date Mo Da Yr 2. Time (24 Hr. Clock)				3. Citation	on/Order			
0 7 2 3 0 1	0 9 0 0			Numb	or	4 4	1 0	190
4. Served To		. Operator		INGITIE)CI	1-1-1	1 0	
J.B. SMITH, PRESIDENT		•	ING COMPANY					
6. Mine	7.	. Mine ID						
S&S MINE			7 1 - 0 3	7 9 8 -	(cor	ntractor)		
8. Condition or Practice					8a. Written No	ice (10	3g)	
The primary crusher operator was not using a respirator a								
respirator was in its original container at the crusher and t								
shall be taken out of service until the crusher operator ha								
shall ensure that the crusher operator will wear the respir			•			has		
been fulfilled, MSHA will modify this order to allow work to needed engineering controls at the primary crusher within								
average exposure of 3.30 mg/m3 of respirable silica-bear					it-weignted			
avoidge expectate of else mg/me of recommended sear	ing adot whom	anowabio c	xpoodio wao 1.20	, mg/m.				
			See Contin	nuation For	m (MSHA Form	7000-3	a)	
9. Violation A. Health								
Safety B. Section			art/Section of			ا ا ا ا	, _	ء اما ہ
Other of Act - Section II Inspector's Evaluation		I	itle 30 CFR	5	6 . 5 0 0	1 a	. 5	0 0 5
10. Gravity:								
<u> </u>	likely	Reasonab	oly Likely	Highly	Likely	Occu	ırred	
B. Injury or Illness could rea-	□ Loot W	larkdaya ar	Bootsisted Duty		rmonanth Diag	hlina T		atal —
sonably be expected to be: No Lost Workdays	LOSI W	rorkdays or	Restricted Duty	P6	ermanently Disa	Jiirig [atal
C. Significant and Substantial (See Reverse): Yes	No			D. Numbe	er of Persons Af	fected		
11. Negligence (check one) A. None B. Low	C. Moderate		D. High		E. Reckles	s Disreg	ard	П
12. Type of Action	13 T	Type of Issu	uance (check one)					
110141-161-1111-	1 1 1 1	Citation		Order	X s	afeguard	, 🖂	
		Citation		Oldel	Λ 0	rieguard	' Ш	l
14. Initial Action	D. Written	E	. Citation/		F. Dated	Mo		
A. Citation X B. Order C. Safeguard	Notice		Order 4 4	1 0 1 8	9	0	7 1	8 0 1
15. Area or Equipment			Number				Щ	
						-		
PRIMARY CRUSHER								
16. Termination Due Mo Da Yr A. Date B. Tim	00 (24							
	. Clock)							
Section III Termination Action	. Olocky							
17. Action to Terminate								
10 T								
18. Terminated Mo Da Yr A. Date Mo Da B. Time (24	4 Hr Clock)							
Section IV Automated System Data								
19. Type of Inspection 20. Event Number		21. F	Primary or Mill					
	1 2 3 4 5	5 6	•					
22. Signature		- 1 ~ 1			23. AR Numb	er	$\neg \neg$	
TED SMITH MSHA Form 7000-3 Mar 85 (Revised)							0 2	9 3 3
WG 17 1 JIII 7 JUU-J WAI UJ (NEVISEU)								

104(b) ORDER OF WITHDRAWAL -ALTERNATE SCENARIO

U.S. Department of LaborMine Safety and Health Administration

Section I Subsequent Action/Continuation Data												
1. Subsequent Action 1a. Continuation 2. Dated (Original Is	sue) Mo		Yr 0 1	3	. Citation/C Number	rder	4	4	1 0	1 9	0 - 0	1
4. Served To	-	5. Op	erator									
J.B. SMITH, PRESIDENT				NG COMP	ANY							
6. Mine		7. Mii		1 1 1			T					_
		7 . 1	IC ID	7 1 - 0	3 7 9			(00×	tro oto	· =/		
S&S MINE Section II Justification for Action				7 1 - 0	J 3 7 9	0 -	Щ	(COI	ntracto	л)		_
Section is Sustinication for Action												_
The primary crusher operator has been reinstructed and	retrained in	the use	of his f	it-tested res	spirator He	will use th	e re	spira	tor			_
whenever the crusher is in operation. The foreman and					-							_
he continues to use it. All provisions of ANSI Z88.2-196	•											_
at the primary crusher within two months and will notify I											-	
to wear the respirator until a resample analysis indicates).		
The Section 104(b) order is modified to include the above												
be terminated when the silica dust overexposure has be	en fully abate	ed.										
Note: In this example, the 104(b) Order of Wit	hdrawal is no	ot termi	nated b	ut modified	to allow cru	shing oper	ation	ns to	resun	ne		
until the quartz dust overexposure is brought to	o within perm	nissible	limits.									
												_
												_
												_
												_
												_
												_
												_
												_
-												_
												_
												_
												_
												_
												_
							See	Con	tinuati	on Forr	m _	
Section III Subsequent Action Taken												_
8. Extended To Mo Da Yr	(24 Hr. Cloc	k)		C. Va	acated	D. Te	rmina	ated		E. Mo	odified X	(
Section IV Inspection Data	 	1 1										_
9. Type of Inspection E 1 5 10. Event Number	0 1 2	3 4 5	6									
11. Signature	AR Numl	per 12	2. Date	Мо	Da Yr	13. Time (2	24 Hr	r. Clo	ock)			_
TED SMITH	0 2 9 3	3 3		0 7 2	2 4 0 1						0 8 0	0

MSHA Form 7000-3a, Mar 85 (Revised)

104(b) ORDER MODIFICATION - ALLOWING MINING OPERATIONS TO RESUME

U.S. Department of LaborMine Safety and Health Administration

Section I Viol	lation Data																	
1. Date M	Mo Da Y	r 2.	Time (24 Hr.	Clock)							3. Cit	ation/O	rder					
0	7 2 4 0	1			0	8 0	0				Nu	mber		4	1 4	1 0	1 9	1
4. Served To							_	Operator										
J.B. SMITH,	, PRESIDEN	Τ						S&S MIN	ING COMP	PANY								
6. Mine							7.	Mine ID										
S&S MINE									7 1 -	0 3 7	9 8		,	contra				
8. Condition or	Practice											8a.	Written	Notice	9 (10	3g)		Щ
Section 104	I(h) Order No	44101	90, issued 07	7/23/01 reg	uirod	that th	na nri	mary crus	har ha shut	t down a	nd not	ctarted	until the					
			spirator for wh											;				
			eration, the cr											een				
			e crusher ope															
	ant and substa	antial" b	ecause the c	onduct viola	ated a	a provi	sion	of the Min	e Act rather	r than a	manda	tory saf	ety or h	ealth				
standard.	Notes Co	otion I	Itom OD is as	malatad wii	th 10	14/b)												
	Note: Se	ction i,	Item 9B, is co	impietea wi	th TU)4(D).												
										0 "		- /1.	0114.5					_
									See	Continu	ation F	orm (M	SHA FO	rm /(000-38	1) ———		
9. Violation A.	Health Safety	ь в	Section					C 1	Part/Section	of								
	Other		of Act	1 0 4 -	b				itle 30 CFR									
Section II Ins			017101	1 0 1	~				1110 00 01 11									
 Gravity: A. Injury or II 	llness (has) (i	s): N	o Likelihood	Ur	nlikel	у 🕅		Reasonal	bly Likely	7	High	nly Likel	у 🗍		Occu	rred	\neg	
B. Iniury o	or Illness coul	d rea-																
	y be expected		No Lost V	Vorkdays		Lo	st Wo	orkdays o	r Restricted	Duty		Permar	nently D	isabliı	ng	Fa	tal	
		tantial (See Reverse): Yes		No	Χ				D. Nun	nber of	Persons	Affec	cted		0 0	1
 Negligence None 	(check one)		B. Low		C. N	/lodera	ite	X	D. Hiç	gh		1	E. Reck	less D	Disreg	ard		
12. Type of Act	tion					1	13. Tv	pe of Iss	uance (ched	ck one)								
71	1 0	4 -	a - ,	-		-		itation	X	,	Orde	er		Safe	guard	j		
					Щ			_		1 1					_			
 Initial Action A. Citation 		rder	X C. Safe	eguard]	D. Wri Noti		$\sqcap \mid^{E}$	Citation/ Order	4 4 1	0 1	9 0	F. Dat	ed	0			′r 1
15. Area or Equ	uinment								Number									
13. Alea of Equ	шрттетт																	
16. Termination		M	o Da Yr		(0													
	A. Da		7 2 4 0	B. Tir	ne (z : Clo		0	9 0 0										
Section III Te	ermination Ac	tion	7 2 7 0	- 1 "	. 010	OK)			!									
17. Action to Te	erminate																	
18. Terminated	A. Date	Мо	Da Yr	B. Time (2	4 Hr	Clock)												
Continu IV	uta materil C								<u> </u>									
Section IV Au		iem Da		umbor	П	\top		24 1	Drimary or 1	Aill								—
19. Type of Insp			20. Event N				, ,		Primary or N	VIIII								
(activity of 22. Signature	code) E	0 1		10	1	2 3	4 5	ام ا				22	. AR Nu	mbor	1	$\neg \neg$		
ŭ												23	. AK NU	iiinel				
TED SMITH	1															0 2	9 3	3

MSHA Form 7000-3 Mar 85 (Revised)

104(a) CITATION - ALTERNATE SCENARIO - FAILURE TO COMPLY WITH 104(b) ORDER

U.S. Department of LaborMine Safety and Health Administration

1. Date Mo Da Yr 2. Time (24 Hr. Clock) 3. Citation/Order Number 4 4 1 0 1 9 2 4. Served To 5. Operator
RICHARD JONES, SAFETY DIRECTOR INTERNATIONAL CEMENT CORPORATION
6. Mine 7. Mine ID
ICC MILL 7 5 - 0 0 2 4 - (contractor)
8. Condition or Practice 8a. Written Notice (103g)
The #2 bagging machine operator was exposed to a shift-weighted average of 1.56 mg/m³ of respirable silica-bearing dust when
sampled for a full shift on 07/03/01. This exceeded the Threshold Limit Value (TLV) of 0.33 mg/m3 times the error factor (1.20)
for respirable free silica sampling and analysis. The operator was wearing an approved fit-tested respirator and a respiratory
protection program meeting the requirements of ANSI Z88.2-1969 was in place.
All feasible engineering controls were not used to reduce the bagger operator's exposure. A dust collection system was being used,
but numerous holes and leaks in the duct work reduced the system's efficiency. Accumulations of dust, 1/2 to 1 inch deep, indicated
poor cleanup. Cleanup was done with shovels and brooms causing more dust to become airborne.
See Continuation Form (MSHA Form 7000-3a)
9. Violation A. Health
Safety B. Section C. Part/Section of
Other of Act - Title 30 CFR 5 6 . 5 0 0 1 a /. 5 0 0 5
Section II Inspector's Evaluation 10. Gravity:
A. Injury or Illness (has) (is): No Likelihood Unlikely X Reasonably Likely Highly Likely Occurred
B. Injury or Illness could rea-
sonably be expected to be: No Lost Workdays Lost Workdays or Restricted Duty Permanently Disabling X Fatal
C. Significant and Substantial (See Reverse): Yes No X D. Number of Persons Affected 0 0 1
11. Negligence (check one)
A. None B. Low C. Moderate X D. High E. Reckless Disregard
12. Type of Action 13. Type of Issuance (check one)
1 0 4 - a - , - Citation X Order Safeguard
14. Initial Action D. Written E. Citation/ F. Dated Mo Da Yr
A. Citation B. Order C. Safeguard Notice Order
15. Area or Equipment
To Frida de Equipinon
16. Termination Due Mo Da Yr
A. Date
Section III Termination Action
17. Action to Terminate
18. Terminated Mo Da Yr
Section IV. Automated System Date
Section IV Automated System Data
19. Type of Inspection 20. Event Number 21. Primary or Mill
1_1 .1 .1 .1 .1 .1 .1 .1 .1 .1 .1 .1 .1 .1
(activity code) E 0 1 0 0 8 8 3 0 1
(activity code) E 0 1 0 0 8 8 3 0 1 22. Signature JOHN REDWOOD 0 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3

MSHA Form 7000-3 Mar 85 (Revised)

104(a) CITATION - "NON-S&S" OVEREXPOSURE TO SILICA-BEARING DUST

U.S. Department of LaborMine Safety and Health Administration

Section I Subsequent Action/Continuation Data					
1. Subsequent Action 1a. Continuation 2. Dated (Original I	ssue) Mo		Citation/Orde Number	er 4 4 1 0 1	9 2 - 0 1
4. Served To		5. Operator	'		<u>, , , , , , , , , , , , , , , , , , , </u>
RICHARD JONES, SAFETY DIRECTOR		-	ONAL CEMENT CORF	PORATION	
6. Mine		7. Mine ID	THE CEMENT CONT	CITATION	
			5 - 0 0 0 2 4	(
ICC MILL Section II Justification for Action			5 - 0 0 0 2 4	- (contractor)	
Section is Sustincation for Action					
The mine operator had repaired the holes and leaks in	the dust contr	rol system duct w	ork for the #2 bagging i	machine. The mine	
operator had also purchased and was using a vacuum		-			
exposed to a shift-weighted average of 0.25 mg/m3 of					
This shift-weighted average is less than the Threshold				, , , , , , , , , , , , , , , , , , ,	
	,	,			
-					
-					
_					
-					
				See Continuation	Form
Section III Subsequent Action Taken					
8. Extended To A. Date Mo Da Yr B. Time	e (24 Hr. Cloc	ck)	C. Vacated	D. Terminated X E	. Modified
Section IV Inspection Data					·
9. Type of Inspection E 1 5	0 0 8	8 3 1 2			
11. Signature	AR Numl	ber 12. Date	Mo Da Yr 13	. Time (24 Hr. Clock)	
TED SMITH	0 2 9 3	3 3	0 8 1 9 0 1		1 2 3 0

MSHA Form 7000-3a, Mar 85 (Revised)

104(a) CITATION - TERMINATION AFTER RESAMPLING FOR SILICA-BEARING DUST

U.S. Department of LaborMine Safety and Health Administration

Section I Subsequent Action/Continuation Data				
1. Subsequent Action 1a. Continuation 2. Dated (Original Iss	sue) Mo Da 0 7 1 6	Yr 0 1 3. Citation Number		0 2
4. Served To	5. Or	erator		
RICHARD JONES, SAFETY DIRECTOR	·	TERNATIONAL CEMENT (CORPORATION	
6. Mine	7. Mi			
	7. 10111	7 5 - 0 0 0	2 4 (contractor)	
ICC MILL Section II Justification for Action		7 5 - 0 0 0	2 4 - (contractor)	
Getion II Sustilication for Action				
The bagging machine was shut down and removed from	service by disconn	ecting the electrical leads to	the machine and wrapping it in	
plastic. The mill foreman stated that they would not be u				
operator is notified that the basis for this termination is th				
milling activities with this machine they are required to co	mply with the cited	standard. Failure to comply	will be considered by MSHA	
to be aggravated conduct constituting more than ordinary	y negligence.			
-				
5			See Continuation Form	
Section III Subsequent Action Taken				
8. Extended To A. Date Da Yr B. Time	(24 Hr. Clock)	C. Vacated	D. Terminated X E. Modifier	:d
Section IV Inspection Data		1 1		
9. Type of Inspection E 1 5 10. Event Number	0 0 8 8 3 1	2		
11. Signature		2. Date Mo Da Yr	13. Time (24 Hr. Clock)	
TED SMITH	0 2 9 3 3	0 8 1 9 0	1 1 2	2 3 0

MSHA Form 7000-3a, Mar 85 (Revised)

104(a) CITATION - TERMINATION AFTER REMOVAL OF EQUIPMENT FROM SERVICE

U.S. Department of LaborMine Safety and Health Administration

Section I Violation	ion Data														
1. Date Mo	Da Yr	2. Time (24 H	r. Clock)						3. C	itation/	Order				
0 7	7 0 6 0 1	,	,	1 6	6 0 0				N	lumber			4 4 .	101	9 4
4. Served To	101010			1 .1 .		5. Operator							-1 -1		
SAMUEL ADA	MS, LEVEL F	OREMAN				ABLE M	INING, II	NC.							
6. Mine						7. Mine ID									
THE DOUBLE	M MINE						5 7	- 0 6	7 8 9	9 -		(contr	actor)		
8. Condition or Pra	actice									88	a. Writte	en Notic	e (103	g)	
	1.111			2 144	, ,			0004	-						
		xposed to air cones the error fac													
		door was dama	, ,					36000	iis oi vei	illialion	tubing	ilau iai	ge noie	3	
			J			<u> </u>									
•															
							S	See Cont	tinuation	Form (MSHA	Form 7	000-3a)	
9. Violation A. He															
	afety	B. Section					Part/Sect			_ _	. _				
Section II Inspec	otor's Evaluati	of Act	-				itle 30 C	FR		5 7	. 5	0 3	9		
10. Gravity:	CIOI 3 E VAIGALI	011													
A. Injury or Illne	ess (has) (is):	No Likelihood	Ur	nlikely	' <u> </u>	Reasona	bly Likely	/ X	Hiç	ghly Lik	ely		Occur	red]
	llness could re		\^/		Last	. \ \ /	. D	tad Dut	. —	D		Diaght.		7	
sonably be	e expected to	be: No Lost	Workdays	Ш	LOS	t Workdays o	r Restric	tea Duty	′ ⊔	Perm	anentiy	Disabl	ng _	Fata	al X
		ial (See Revers	e): Yes	X	No				D. Nu	umber c	of Perso	ons Affe	cted	(0 1
11. Negligence (c A. None	check one)	B. Low		СМ	loderate	e X	D	High			F Re	ckless	Distens	ırd 🗀	Т
		D. LOW		O. IVI							L. ING	CKICSS	Distega	u	
12. Type of Action		- a - ,	$ \ \ \ _{-}$.	- 13	Type of Iss Citation	uance (c	_		der	П	Safe	eguard		
							Ľ	<u> </u>	<u> </u>				- gua. u		
 Initial Action Citation 	B. Orde	r 🖂 C Sa	feguard	D T). Writte Notic		Citation Order	n/			F. [Dated	Мо	Da	Yr
		0. Ja	leguaru		Notic	• Ш	Numbe	er							
15. Area or Equipr	ment														
16. Termination D	Due	Mo Da Y	r												
	A. Date			me (24											
Section III Term	nination Action	0 7 0 7 0	1 Hr	r. Cloc	ck)	1 6 0 0									
17. Action to Term															
	1 1.		ı				ı								
18. Terminated	A. Date	o Da Yr	B. Time (2	4 Hr C	Clock)										
Section IV Autor	1 1			, ,	1 1		•								
19. Type of Inspec		20. Event I					Primary o	or Mill							
(activity cod	de) E 0	1	0	3 4	4 5 6	7 8									
22. Signature										2	23. AR I	Number			
BILL WILLIAM													(2 5	5 5 5
MOLIA Farma 7000	2 Mar OF /Da	viced)													

MSHA Form 7000-3 Mar 85 (Revised)

104(a) CITATION - "S&S" -OVEREXPOSURE TO RADON DAUGHTERS

U.S. Department of LaborMine Safety and Health Administration

Section I Subsequent Action/Continuation Data				
1. Subsequent Action 1a. Continuation 2. Dated (Original Is	sue) Mo		Citation/Order Number	4 4 1 0 1 9 4 - 0 1
4. Served To	L	5. Operator	<u>'</u>	
SAMUEL ADAMS, LEVEL FOREMAN		ABLE MININ	IG. INC.	
6. Mine		7. Mine ID		
THE DOUBLE M MINE		5	7 - 0 6 7 8 9 -	(contractor)
Section II Justification for Action				
Repairs to the ventilation tube and the stope regulator d	oor hove bro	ught the concent	ation of radon daughtors ur	ador the expecure limit
The 1402 stope driller was exposed to air containing 0.2				•
the driller was wearing a fit-tested and approved respira				
times the error factor (1.20) for radon daughter sampling		ount to tood triair t	TO THAXIITIAM POTTHIOOIDIO OF	poddro minicor 1.00 VVL
-				
-				
				See Continuation Form
Section III Subsequent Action Taken				
8. Extended To Mo Da Yr	(24 Hr. Cloc	ck)	C. Vacated D.	Terminated X E. Modified
Section IV Inspection Data				
9. Type of Inspection E 0 1 10. Event Number	0 3 4 5	5 6 7 8		
11. Signature	AR Numb	ber 12. Date	Mo Da Yr 13. Tim	e (24 Hr. Clock)
BILL WILLIAMS	0 2 5 5	5 5	0 7 0 7 0 1	1 6 0 0

MSHA Form 7000-3a, Mar 85 (Revised)

104(a) CITATION - TERMINATION AFTER RESAMPLING FOR RADON DAUGHTERS

U.S. Department of LaborMine Safety and Health Administration

Section I Violatio	n Data													
1. Date Mo	Da Yr	2. Time (24 H	r. Clock)						3. Cita	ation/Order				
	1 1 1		,								1	ا ا ا	ا اما	9 6
0 7	1 6 0 1			1	6 0 0	1			Nu	mber		F 4 I	U I	90
4. Served To		, ,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,				5. Operat			T 0000	004700				
RICHARD JON	ES, SAFETY	DIRECTOR						L CEMEN	I CORP	ORATION				
6. Mine						7. Mine ID								
ICC MILL							7 5	- 0 0 0	0 2 4	-	(contra			
8. Condition or Pra	ctice									8a. Writte	n Notice	(103	3)	
The #2 bagging	machine on	erator was eyn	nsed to a shift	-wei	ahted av	verage of 1	56 ma/m ³	of respirat	nle silica.	hearing dust	when			
sampled for a fu					-							1 20)		
for respirable fre							,				i idotor (1.20)		
respiratory prote											rols were			
not used to redu			•											
in the ductwork						•								
leaks and the po	or cleanup i	methods. Clea	nup was done	spo	radically	, when pro	duction pe	rmitted, w	ith shove	els and broon	ns causi	ng		
more dust to be	come airborr	ne. The workpl	ace safety rep	orts,	, for the	week prece	eding this s	sample, in	dicated t	hat the malfu	ınctionin	g		
dust collection s	ystem had b	een noted and	reported to th	e for	eman.	The forema	n stated th	nat he had	product	ion to worry a	about an	d		
that when custo						·				•				
respirators for the														
exposure to silic														
more than ordin			production m	ore ii	пропап	t than the r	illier's nea	aith. This v	violation	is an unwan	antable i	allule		
to comply with a	mandatory	staridard.												
9. Violation A. Hea	alth													
Sa	fety	B. Section				C	. Part/Sect	tion of						
Oth	ner	of Act	-				Title 30 C	FR		5 6 . 5	0 0 1	1 a/.	5 0	0 5
Section II Inspec	tor's Evaluat	ion												
10. Gravity:	- (h) ('-).	Na Libelia	. 🗀	. 1:1 1	🗂	D	المداك التالمان	. 🔽	Litale	na Litaria — T	_	0		7
A. Injury or Illnes	ss (nas) (is):	NO LIKEIINOO	а <u>П</u> ог	nlikel	у	Reasor	ably Likely	y <u>X</u>	High	ly Likely		Occur	ea	_
B. Injury or Illr													·	. —
sonably be	expected to	be: No Los	t Workdays	Ш	Lost W	orkdays or	Restricted	Duty	Ш	Permanently	Disablin	ıg X	Fata	d 🔲
C. Significant a	and Substant	tial (See Rever	se): Yes	Х	No				D. Nun	ber of Perso	ns Affec	ted	(0 1
11. Negligence (ch			•											
A. None		B. Low		C. N	/loderate			High	X	E. Re	ckless D	isrega	rd	<u> </u>
12. Type of Action					13	3. Type of Is)					
	1 0 4	- d - 1	, -		-	Citation	>	X	Orde	er	Safe	guard	Ш	
4.4 Initial Aution				Щ.			C ():4-4:-	.,, 	1 1 1		Dated	T N4-	Тъ-	V
14. Initial Action A. Citation	B. Orde	r 🖂 cs	afeguard	1 '	D. Writt Notic		E. Citatio Order	1		F. L	rated	Mo	Da	Yr
7t. Oltation	D. Oluc	, 0.0	aloguala	1	140110	٠ 🇀	Numbe	er						
15. Area or Equipm	nent													
16 Termination D	. 1	Mo Do L	V=											
16. Termination Du	A. Date	Mo Da I I	Yr B. Tir	ne (2	24									
	7 ii Daio	0 7 1 8 0		. Clo		1 6 0	0							
Section III Termin		1	21 11		0.1.7	1 . 1 . 1 . 1								
17. Action to Termi	nate													
18. Terminated	A. Date	lo Da Yr	B. Time (2	4 Hr	Clock)									
Section IV Auton	nated System	Data				$\bot \bot \bot \bot$								
	T I			П		1 1 1		B #***						
19. Type of Inspect		20. Event					. Primary	or Mill						
(activity code	e) E 0	1	0	0	8 8 3	0 1								
22. Signature										23. AR 1	Number			
JOHN REDWO	OD												3 3	3 3 3

MSHA Form 7000-3 Mar 85 (Revised)

104(d)(1) CITATION - "S&S" - OVEREXPOSURE TO SILICA-BEARING DUST

U.S. Department of LaborMine Safety and Health Administration

Section I \	/iolatio	n Data	ì																							
1. Date	Мо	Da	Yr	2. Tim	ne (24	Hr. Clo	ock)										3. 0	Citatio	on/O	rder						
	0 7	i	0 1				,	1	6	0 5								Numb				4	4	1 0	1 0	7
4. Served To		UU	U						U	U S	5. Op	orato	r				l l	NUITIL	ei			-	4	IJU	1 3	<u> </u>
		10 I F	VEL E		. N.I									C INI	_											
6. Mine	. ADAIV	IS, LE	VELF	OREIVIA	AIN						7. Mir		IININ	G, IIN	<u>С.</u> Т. Т		П		П							
THE DO	IDIEN	A MAINI	=								/ . IVIII	ום וט	5	7 -	0	6 7	8	9 -			(cor	ntrac	tor)			
8. Condition														,	U	0 1	U	3	8a	W/ritt	en Not			(n)		$\overline{}$
o. Condition	OI I IU	otioc																	ou.	vviitt	C11 140	100	(100	9)		
The 1402	2 stope	driller	was e	xposed	to air	contair	nina 1.9	0 WI	L of ı	ador	daug	hters	on Ju	ılv 6. 2	2001	. Th	is am	ount	exc	eede	d the r	naxi	mum	1		
permissil				•										•												
of ventila				•								. ,					•									
The dam	aged re	egulate	or dooi	and the	e malf	unction	ning ven	tilati	on tu	ıbing	had b	een n	oted	and tu	urnec	d in t	o the	forer	nan,	Joe .	Jones,	, two				
weeks pr																										
exposure	to rad	on dau	ughters	in this	area.	Forem	nan Jone	es st	ated	that	it was	too e	xpens	sive to	o rep	air th	ne def	fectiv	e ite	ms.	Manag	geme	ent			
engaged	in agg	ravate	ed con	duct cor	nstituti	ing moi	re than o	ordin	nary i	negli	gence	in de	eming	prod	luctio	n m	ore in	nport	ant t	han a	mine	r's				
health.	his vio	lation	is an u	nwarrar	ntable	failure	to com	oly w	vith a	mar	ndatory	y stan	dard.													
														80	· · · · · ·	ntin	ıotion	For	m /N	10 LL V	Form	700	0.20			_
0 10 10		141				1 1	1 1	1 1						36	e CC	יו ווווווו	Jaliui	IFOI	III (IV	ISHA	FOIIII	700	0-3a)	-	뉴
9. Violation			_	B. Sect	ion							C	Part/S	Cootic	on of											
	Sat Oth	•	\vdash	of A									Title 3					5	7	5	0 3	9				
Section II		-	valuati		.Ct								Title	JU 01	11			J	<u> </u>	. 0	0 0	, J				
10. Gravity:	орос		raraat	<u> </u>																						
A. Injury o	or Illnes	s (has	s) (is):	No Lik	eliho	od	U	nlike	ly		Re	asona	ably L	ikely)	X	Hi	ghly	Like	ly		C)ccur	rred		
B. Injur	y or Illr	ess c	ould re	a-																						
sona	bly be	expec	ted to	be:	No Lo	st Wor	kdays		Lo	st Wo	orkday	s or F	Restric	cted D	Outy			Pe	rma	nently	/ Disa	bling	, [Fa	ıtal	X
C Cian	ficant	C	hotoni	ial (Caa	Dave	٠, ۵, ۵	Voc	Х		lo.						<u> </u>	D N		of	Doro	222 Af	foot	- d	_	0 (1
C. Sign 11. Negliger				iai (See	Reve	erse):	Yes	^	ľ	10							D. N	umbe	er or	Pers	ons Af	recte	3 0		U	0 1
A. Non	` .	eck or	ie)	B. L	ow			C.	Mod	erate	:			D. F	ligh				E. F	Reckl	ess Di	sreg	ard		X	
12. Type of	Action									13	. Туре	of Is	suanc	e (ch	eck o	one)			_							
		1	0 4	- d	- 1	,	-	•	-		Cita	tion					Oı	rder	Ŀ	X	Sa	afeg	uard			
															- !		т									
14. Initial Ac	-	V D	Ordo	. —		Cofoau	ord	7		Vritte		- I	E. Cit			4 1	0	1 1	1	F.	Dated		Mo 0] :			Yr 0 1
A. Cita	lion	Х В	. Orde	' Ш	U	Safegu	aru	_	r	Votice	_	۱ ا	Ord Nu	mber	4	4 '	الا	' '					9	2 2	′ ' '	ן י
15. Area or																										
1402 ST	OPE DI	RILLE	R																							
16. Termina	tion Du		Date	Мо	Da	Yr	B. Tii	me (24																	
		/ \.	Date					r. Cl																		
Section III	Termir	nation	Action		1 1																					
17. Action to	Termi	nate																								
	. 1		1 -		1																					
18. Termina		A. Da	te	lo Da	Yı		Time (2	24 Hr	r Clo	ck)																
Section IV -			System																							
19. Type of	Inspect	ion		20	. Ever	nt Numl	ber						Prima	ary or	Mill											
(activ	ity code	e)	E 0	1			C	3	4	5 6	7 8															
22. Signatur	e																		23	3. AR	Numb	er				
BILL WIL	LIAMS																							0 2	5 !	5 5
MSHA Form			85 (Re	vised)																						

104(d)(1) ORDER - "S&S" - OVEREXPOSURE TO RADON DAUGHTERS

U.S. Department of LaborMine Safety and Health Administration

Section I Violation Data	
1. Date Mo Da Yr 2. Time (24 Hr. Clock) 3. Citation/Order	
0 7 0 4 0 1 0 8 3 0 Number 4 4 1 0 1 9	8
4. Served To 5. Operator	
J.R. JOHNSON, SAFETY DIRECTOR ABC MINING COMPANY	
6. Mine 7. Mine ID 7.	
ABC MINE AND MILL 7 5 - 0 9 1 3 3 - (contractor)	
8. Condition or Practice 8a. Written Notice (103g)	
An underground tram operator is working in area nine east where the measured carbon monoxide level was 800 ppm (parts per	
million). The operator has been in the area for over two hours and has the following symptoms: headache, nausea, dizziness,	
and some mental confusion. Sampling was conducted in the operator's work area with eight drager tubes. The operator was	
not wearing respiratory protection. The TLV for a full shift is 50 ppm, and the STEL is 400 ppm. Exposure to carbon monoxide over	
this length of time can result in death. An oral imminent danger order was issued to Jim Smith, foreman, at 0800 hours this date.	_
nouis tilis date.	
Citation No. 4410199 is being issued in conjunction with this order.	
	_
See Continuation Form (MSHA Form 7000-3a)	
9. Violation A. Health	
Safety B. Section C. Part/Section of	ļ
Other of Act - Title 30 CFR	
Section II Inspector's Evaluation 10. Gravity:	_
A. Injury or Illness (has) (is): No Likelihood Unlikely Reasonably Likely Highly Likely Occurred	
B. Injury or Illness could rea-	
sonably be expected to be: No Lost Workdays Lost Workdays or Restricted Duty Permanently Disabling Fatal	\neg
	_
C. Significant and Substantial (See Reverse): Yes No D. Number of Persons Affected	
11. Negligence (check one) A. None B. Low C. Moderate D. High E. Reckless Disregard	
12. Type of Action 13. Type of Issuance (check one)	
1 0 7 - a - , - - Citation Order X Safeguard	
14. Initial Action D. Written E. Citation/ F. Dated Mo Da Yr	r
A. Citation B. Order C. Safeguard Notice Order Number	ļ
15. Area or Equipment	
TRAM OPERATOR (NINE EAST)	
16. Termination Due	
A. Date Hr. Clock)	
Section III Termination Action	
17. Action to Terminate	
	_
18. Terminated Mo Da Yr	_
18. Terminated A. Date A. Date B. Time (24 Hr Clock)	
Section IV Automated System Data	_
19. Type of Inspection 20. Event Number 21. Primary or Mill	_
(activity code) E 0 1 0 7 3 5 1 1 4	
22. Signature 23. AR Number	\neg
JOHN SMITH	9
MSHA Form 7000-3 Mar 85 (Revised)	

107(a) ORDER - "S&S" IMMINENT DANGER ORDER OVEREXPOSURE TO CARBON MONOXIDE

U.S. Department of LaborMine Safety and Health Administration

Occident Middle Dete	
Section I Violation Data	
1. Date Mo Da Yr 2. Time (24 Hr. Clock)	3. Citation/Order
0 7 0 4 0 1 0 8 3	0 Number 4 4 1 0 1 9 9
4. Served To	5. Operator
J.R. JOHNSON, SAFETY DIRECTOR	ABC MINING COMPANY
6. Mine	7. Mine ID
ABC MINE AND MILL	7 5 - 0 9 1 3 3 - (contractor)
8. Condition or Practice	8a. Written Notice (103g)
An underground tram operator is working in area nine east where the	
million). The operator has been in the area for over two hours and I	0,1
and some mental confusion. Sampling was conducted in the opera	
not wearing respiratory protection. The TLV for a full shift is 50 ppm	
this length of time can result in death. An oral imminent danger ord	er was issued to Jim Smith, foreman, at 0800
hours this date.	
This violation is a factor sited in imminant danger order No. 441040	
This violation is a factor cited in imminent danger order No. 441019	
	See Continuation Form (MSHA Form 7000-3a)
9. Violation A. Health	
Safety B. Section	C. Part/Section of
Other of Act -	Title 30 CFR 5 7 . 5 0 0 1 a /. 5 0 0 5
Section II Inspector's Evaluation	
10. Gravity:	
A. Injury or Illness (has) (is): No Likelihood Unlikely	Reasonably Likely Highly Likely X Occurred
B. Injury or Illness could rea-	
sonably be expected to be: No Lost Workdays Lost	Norkdays or Restricted Duty Permanently Disabling Fatal X
C. Significant and Substantial (See Reverse): Yes X No	D. Number of Persons Affected 0 0 1
11. Negligence (check one)	5. Nambol of 1 oldship / modica 0 0 1
A. None B. Low C. Modera	ate X D. High E. Reckless Disregard
12. Type of Action	13. Type of Issuance (check one)
1 0 4 - a - , - -	Citation X Order Safeguard
14. Initial Action D. Wr	tten E. Citation/ F. Dated Mo Da Yr
A. Citation B. Order C. Safeguard Not	
	Number
15. Area or Equipment	
16. Termination Due Mo Da Yr	
A. Date B. Time (24	
Hr. Clock)	
Section III Termination Action	
17. Action to Terminate	
18. Terminated Mo Da Yr	
A. Date B. Time (24 Hr Clock)	
Section IV Automated System Data	
19. Type of Inspection 20. Event Number	21. Primary or Mill
(activity code) E 0 1 0 7 3 5	1 1 4
22. Signature	23. AR Number
JOHN SMITH	0 1 9 9 9
MSHA Form 7000-3 Mar 85 (Revised)	1 1 1 1 1 1

104(a) CITATION ISSUED FOR A CONDITION IN 107(a) ORDER

U.S. Department of LaborMine Safety and Health Administration

Section I Violation Data	
1. Date Mo Da Yr 2. Time (24 Hr. Clock)	3. Citation/Order
0 7 0 4 0 1	
4. Served To	5. Operator
J.R. JOHNSON, SAFETY DIRECTOR	ABC MINING COMPANY
6. Mine	7. Mine ID
ABC MINE AND MILL	7 5 - 0 9 1 3 3 - (contractor)
8. Condition or Practice	8a. Written Notice (103g)
0. Condition of Fractice	oa. Writter Hotice (1039)
A laborator taskaisian was bondiina bat asid in the consulaborator	where the manner of budgerer shippide levels were 25 man
A laboratory technician was handling hot acid in the assay laboratory	
(parts per million), which is almost at the immediately dangerous to I	
operator's work area for an hour with a Drager diffusion tube. The m	•
ceiling limit for hydrogen chloride is 5 ppm. The technician was rem	
and an oral imminent danger order was issued to Becky Mills, labora	atory supervisor, at 1045 hours this date. The technician was
not wearing respiratory protection and complained of eye and throat	irritation.
Citation No. 4410201 is being issued in conjunction with this order.	
	See Continuation Form (MSHA Form 7000-3a)
9. Violation A. Health	
Safety B. Section	C. Part/Section of
	Title 30 CFR
Other of Act	Title 30 CFR
10. Gravity:	
A. Injury or Illness (has) (is): No Likelihood Unlikely	Reasonably Likely Highly Likely Occurred
A. Injury of lilitess (rias) (is). No Likelinood Offlikely	Reasonably Likely Tilgrily Likely Occurred
B. Injury or Illness could rea-	
sonably be expected to be: No Lost Workdays Lost V	Vorkdays or Restricted Duty Permanently Disabling Fatal
C. Cignificant and Cubatantial (Cap Payaras). Van Na	D. Number of Persons Affected
C. Significant and Substantial (See Reverse): Yes No	D. Number of Persons Affected
11. Negligence (check one)	. 🗆
A. None B. Low C. Modera	te D. High E. Reckless Disregard
12. Type of Action	13. Type of Issuance (check one)
' 1 0 7 - a - , - - -	Citation Order X Safeguard
	Oldaron X Saloguara
14. Initial Action D. Writ	tten E. Citation/ F. Dated Mo Da Yr
A. Citation B. Order C. Safeguard Noti	
45 AssessEquivalent	Number
15. Area or Equipment THE ASSAY LABORATORY	
THE ASSAY LABORATORY	
16 Termination Due Mo Do Vr	
16. Termination Due Mo Da Yr A. Date B. Time (24	
A. Date	
Section III Termination Action	
17. Action to Terminate	
18. Terminated Mo Da Yr	
A. Date B. Time (24 Hr Clock)	
Section IV Automated System Data	
19. Type of Inspection 20. Event Number	21. Primary or Mill
(activity code) E 0 1 0 7 3 5	1 1 4
22. Signature	23. AR Number
JOHN SMITH MSUA Form 7000 2 Mar 85 (Pavisand)	0 1 9 9
MSHA Form 7000-3 Mar 85 (Revised)	

107(a) ORDER - "S&S" IMMINENT DANGER

OVEREXPOSURE TO HYDROGEN CHLORIDE

U.S. Department of LaborMine Safety and Health Administration

Section I \	/iolation [Data																					
1. Date	Mo E	Da	Yr	2. T	ime (24	Hr. Cl	lock)									3.	Citatio	n/Orde	r				
	1 1 1	1 1	0 1		(= :		,	1	1	0 0							Numb			4 4	1 1	0 2	0 1
4. Served To)										5. Op	erato	r										
J.R. JOH	INSON, S	SAFE	TY D	IREC1	OR						AE	вс мі	NING	COMF	PANY								
6. Mine											7. Mir	ne ID											
ABC MIN	IE AND N	/ILL											7 !	5 -	0 9	1 3	3 -		(co	ntracto	r)		
8. Condition	or Practi	се																8a. Wr	itten No	otice (03g)		
A laborat	ory techn	ician	was	handli	ng hot	acid in	the ass	say la	bora	atory	where	the m	easur	ed hyd	drogen	chlori	ide lev	els we	re 35 p	om			
(parts pe	r million),	whic	ch is a	almost	at the i	mmed	iately da	ange	rous	to life	e and h	nealth	(IDLH) leve	l of 50	ppm.	A sar	nple wa	as take	n in the	,		
operator'	s work ar	ea fo	or an l	hour w	ith a Dr	ager d	liffusion	tube	. Th	e me	asured	d expo	osures	are a	lmost :	at leve	els that	are fa	tal. The	Э			
ceiling lin	nit for hyc	droge	en chl	oride i	s 5 ppm	ı. The	technic	cian v	vas r	emo	ed fro	m the	lab w	hen le	vels e	ceed	ed the	ceiling	limit of	5 ppm	١,		
and an o	ral immin	ent c	dange	r orde	r was is	sued t	o Becky	y Mills	s, lat	oorate	ory sup	ervis	or, at 1	045 h	ours t	nis da	te. Th	e techr	nician w	as			
not weari	ing respir	atory	/ prot	ection	and cor	nplain	ed of ey	e an	d thr	oat ir	ritation	١.											
This viola	ation is a	facto	or cite	d in im	minent	dange	er order	No. 4	4410	200.													
														See	Conti	nuatio	n Forn	n (MSF	IA Forn	า 7000	-3a)		
9. Violation	A. Health	h																					
	Safet	y		B. Se	ction								Part/S										
	Other				Act			-					Title 3	CFR			5	7 .	5 0	0 1 a	/.	5 0	0 5
Section II	Inspector	's Ει	<i>r</i> aluat	ion																			
10. Gravity: A. Injury of	or Illnoce	(hac)	\ (ic\:	No I	ikoliho	od [- .	Jnlike	ы, Г	1	Po	acana	ably Lil	colv		ш	iahly l	ikely	Y	00	curre	а <u>Г</u>	7
			, , ,		-IKEIII IO	Ju		אוווועפ	эту _		1/6	asuna	abiy Lii	Сегу	ш		igiliy L	ikely	^	00	curre	<u>ч _</u>	1
•	y or Illnes								1 .			_				_	_				_	_	. 57
sona	ably be ex	pect	ted to	be:	No Lo	st Wo	rkdays		Lo	st W	orkday	s or F	Restrict	ed Du	ıty		Pei	maner	ntly Disa	abling	Ш	Fata	ı X
C Signi	ificant and	d Sul	hstan	tial (Se	e Reve	erse).	Yes	X	1	No						D.N	lumbe	r of Pe	rsons A	ffected	-	0	0 1
11. Negliger				(1 1												اناتا
A. Non	`		,	В.	Low			C.	Mod	lerate)	X		D. Hi	gh			E.	Reckles	ss Disr	egard	ı []
12. Type of	Action									13	. Type	of Iss	suance	(che	ck one)							
		1	0 4	- a		,		-	-		Citat			X			rder		S	afegua	ard		
														Ш,				_					
14. Initial Ac				_						Writte		,	E. Cita					F	. Dated	i	Мо	Da	Yr
A. Citat	tion	_ B.	Orde	er] C.	Safegu	uard		ſ	Notic	Э]	Ord Nun										
15. Area or l	Equipmer	nt										!_											
16. Termina	tion Due			Мо	Da	Yr	ь т	,	'04														
		Α. ι	Date					ime (•														
Section III	Termina	tion /	Action	<u> </u>	шш			Hr. Cl	iock)														
17. Action to			totioi																				
_																							
18. Termina				/lo [Da Yı																		
	A.	Date	е			B.	. Time (24 H	r Clo	ck)													
Section IV	Automat	-0d S	Syston	n Data	Щ																		
			yster		0. Ever	ot Niu~	hor		П			21	Prima	n/or N	Aill	I							
19. Type of	•		_ _		o. Ever	it iNUIT					١. ا.	۷۱.	гиша	ıy OI I	VIIII								
	ity code)		E 0	1				0 7	3	5 1	1 4	<u> </u>											
22. Signatur	е																	23. A	R Num	oer			
JOHN SI	MITH																				0	1 9	9 9
MSHA Form	7000-3 N	Mar 8	85 (R	evised)																		

104(a) CITATION ISSUED FOR A CONDITION IN 107(a) ORDER

September 2005 20 Appendix C

U.S. Department of LaborMine Safety and Health Administration

Section I Violation Data						
1. Date Mo Da Yr 2. Time (24 Hr. Clock)	3. Citation/Order					
1 1 0 7 0 1	0 0 0		Number	6 6 6	6 6	6 7
4. Served To		5. Operator	1			
JANE DOE, SAFETY DIRECTOR		ABC ROCK COMPANY				
6. Mine		7. Mine ID				
ABC MINE		7 0 - 7 7 7		ractor)		
8. Condition or Practice			8a. Written Noti	ce (103	g)	
						
Clouds of dust were being produced by the No. 4 Ingersoll R				outh		
end of the quarry. The dust control system on the drill was hollow drill steel and out the drill bit. The water tank for the s						
drill operator was not wearing a respirator, and his clothing w	_		Č			
A respiratory protection program meeting all requirements of			non mater corabic material			
		•				
		See Contin	uation Form (MSHA Form 7	7000-3a)	
9. Violation A. Health						
Safety B. Section		C. Part/Section of				
Other of Act -		Title 30 CFR	5 8 . 6 2 0			
Section II Inspector's Evaluation						
10. Gravity: A. Injury or Illness (has) (is): No Likelihood Unlike	ly 🔲	Reasonably Likely X	Highly Likely	Occurre	ed]
B. Injury or Illness could reasonably be expected to be: No Lost Workdays	Lost	Workdays or Restricted Duty	Permanently Disab	ling X	Fata	
C. Significant and Substantial (See Reverse): Yes X	No		D. Number of Persons Affe	noted .	_ 0	0 1
C. Significant and Substantial (See Reverse): Yes X 11. Negligence (check one)	INO		D. Number of Persons And	ecieu	Į U	U
	Moderat	e X D. High	E. Reckless I	Disregar	d	ī
12. Type of Action	1 14:	3. Type of Issuance (check one)				1
1 0 4 - a - , -	- '	Citation X	Order Sai	feguard	П	
						1
14. Initial Action A. Citation B. Order C. Safeguard	D. Writt Notic		F. Dated	Mo	Da	Yr
15. Area or Equipment		Number				
16. Termination Due A. Date Mo Da Yr B. Time (2		1 2 0 0				
Section III Termination Action	JCK)	1 2 0 0				
17. Action to Terminate						
The water tank on air trac was filled and the dust control syst	em was	activated. After the dust control	system was activated,			
there was no visible dust when the drill was operated.						
18. Terminated Mo Da Yr	Clock)	1 1 3 0				
Section IV Automated System Data		 				
19. Type of Inspection 20. Event Number		21. Primary or Mill				
(activity code) $\begin{bmatrix} E & 0 \end{bmatrix} 1 \end{bmatrix}$	3 4 5	6 9				
22. Signature			23. AR Numbe	r		
TED OLSON					9 9	9 9
MSHA Form 7000-3 Mar 85 (Revised)						

104(a) CITATION - DRILL DUST

U.S. Department of LaborMine Safety and Health Administration

Section I Violation Data			
1. Date Mo Da Yr 2. Time (24 Hr. Clock)			3. Citation/Order
1 1 0 7 0 2	1	7 0	0 Number 4 4 4 4 4 4 4 4 4
4. Served To			5. Operator
SYDNEY JONES, PRESIDENT			TMC MINING COMPANY
6. Mine			7. Mine ID
TRIANGLE MINE			7 2 - 0 0 0 1 2 - (contractor)
8. Condition or Practice			8a. Written Notice (103g)
			owed the driver (occupation code xxx) of the No. 31 Euclid Haul
Truck received an action level noise dose of 76%. This The miner was not enrolled in a hearing conservation pr			1 , ,
The miner was not enrolled in a hearing conservation pr	ogran	n as re	equired by 30 CFR 62.120.
The abatement date for this citation is to allow the mine	onera	tor tim	e to enroll the miner into a formal hearing conservation program
which meets all the requirements of 30 CFR 62.150.	орста	tor tim	e to enton the miner into a formal nearing conscivation program
Wilder Hoods all the requirements of 50 GFR 62.100.			
			See Continuation Form (MSHA Form 7000-3a)
9. Violation A. Health			
Safety B. Section			C. Part/Section of
Other of Act	$\perp \perp \perp$		Title 30 CFR 6 2 . 1 2 0
Section II Inspector's Evaluation 10. Gravity:			
	Inlikely	уХ	Reasonably Likely Highly Likely Occurred
B. Injury or Illness could rea-	$\overline{\Box}$		Washington as Destricted Date.
sonably be expected to be: No Lost Workdays	Щ	LOS	t Workdays or Restricted Duty Permanently Disabling X Fatal
C. Significant and Substantial (See Reverse): Yes		No	X D. Number of Persons Affected 0 0 7
11. Negligence (check one) A. None B. Low	C. N	/lodera	te X D. High E. Reckless Disregard
12. Type of Action	\top		3. Type of Issuance (check one)
1 0 4 - a - ,	-	-	Citation X Order Safeguard
14. Initial Action		D. Wri	tten E. Citation/ F. Dated Mo Da Yr
A. Citation B. Order C. Safeguard	ר '	. VVII Not	
	_ 		Number
15. Area or Equipment			
16. Termination Due Mo Da Yr			
A. Date I I I B. Ti	me (2	24	
1 1 2 9 0 2 H	lr. Clo	ck)	1 0 0 0
Section III Termination Action 17. Action to Terminate			
17. Action to Terminate			
18. Terminated Mo Da Yr			
A. Date B. Time (2	24 Hr (Clock)	
Section IV Automated System Data	$\overline{}$, ,	
19. Type of Inspection 20. Event Number			21. Primary or Mill
(activity code) E 0 1 1	1 2	3 4	5 6 7
22. Signature			23. AR Number
TED JOHNSON			0 5 5 5
MSHA Form 7000-3 Mar 85 (Revised)			10101010
\ /			

104(a) CITATION - 62.120 NOISE

U.S. Department of LaborMine Safety and Health Administration

Section I Subsequent	Action/Continuation	Data							
1. Subsequent Action	1a. Continuation	Dated (Original Issue)	Mo 1 1		r 2	Citation/Order Number	4 4 4 4	1 4 4 4 - 0	1
4. Served To				5. Opera	tor				
SYDNEY JONES, PF	RESIDENT				MINING CO	OMPANY			
6. Mine	KEOIDEIVI			7. Mine I					_
				7. WILLE		- 0 0 0 1 2 -	/aantra/	otor)	
TRIANGLE MINE Section II Justification	for Action				/ 2	- 0 0 0 1 2 -	(contrac	וטו)	_
Gection ii Gustilication	IOI ACIIOII								_
The driver (occupation	n code xxx) of the N	lo 31 Fuclid Haul T	Truck has	been enro	olled in a fo	rmal hearing conservation	on .		
program meeting all	· · · · · · · · · · · · · · · · · · ·								_
-									
									_
-									_
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							See Continua	tion Form	
Section III Subsequent	Action Taken								_
8. Extended To A. Da	Mo Da	Yr B. Time (24	Hr. Clock	()		C. Vacated D.	Terminated X	E. Modified	
Section IV Inspection					1				
9. Type of Inspection	E 0 1	vent Number	2 3 4	5 6 7					
11. Signature	+ + + +		AR Numb		ate Mo	Da Yr 13. Time	e (24 Hr. Clock)		
TED JOHNSON		0	5 5 5	5	1	1 2 9 0 2		1 1 0	0

MSHA Form 7000-3a, Mar 85 (Revised)

104(a) CITATION - TERMINATED

U.S. Department of LaborMine Safety and Health Administration

Section I Violation Data	
1. Date Mo Da Yr 2. Time (24 Hr. Clock)	3. Citation/Order
1 2 0 3 0 1	Number 4 4 4 4 5
	5. Operator
GEORGE JONES, SAFETY DIRECTOR	XYZ MINING COMPANY
6. Mine	7. Mine ID
XYZ MINE	8 1 - 1 2 3 4 5 - (contractor)
8. Condition or Practice	8a. Written Notice (103g)
The results of an MSHA full shift noise sample taken on 12/03/01 show	and the energian (equipation each vvv) of the front and leader
received a permissible exposure level noise dose of 152%. This excee	. , , ,
error factor (or 132%). The end loader operator was wearing a hearing	
The abatement date for this citation is to allow time for the mine operate	for to install all feasible engineering and administrative controls.
The mine appretor must appure continued use of a bearing protector u	ntil the naise dage is reduced to an helpy, the nermiseible
The mine operator must ensure continued use of a hearing protector u exposure level.	Titll the hoise dose is reduced to or below the permissible
- Oxpoodire forei.	
Equipment: Caterpillar 880 front-end loader, S/N 00764762	
	See Continuation Form (MSHA Form 7000-3a)
9. Violation A. Health	See Continuation Form (MOTIA Form 7000-5a)
Safety B. Section	C. Part/Section of
Other of Act	Title 30 CFR 6 2 . 1 3 0 a
Section II Inspector's Evaluation	
10. Gravity: A. Injury or Illness (has) (is): No Likelihood Unlikely X	Reasonably Likely Highly Likely Occurred
<u> </u>	Reasonably Likely Occurred
B. Injury or Illness could reasonably be expected to be: No Lost Workdays Lost W	Vorkdays or Restricted Duty Permanently Disabling X Fatal
	X D. Number of Persons Affected 0 0 1
11. Negligence (check one) A. None B. Low C. Moderate	X D. High E. Reckless Disregard
	Type of Issuance (check one)
1 0 4 - a - , - -	Citation X Order Safeguard
14. Initial Action D. Writte	n E. Citation/ F. Dated Mo Da Yr
A. Citation B. Order C. Safeguard Notice	e L Order
15. Area or Equipment	
16. Termination Due Mo Da Yr	
A. Date B. Time (24	
1 2 1 6 0 1 Hr. Clock)	1 2 0 0
Section III Termination Action 17. Action to Terminate	
17. Addot to Terrimate	
18. Terminated Mo Da Yr	
A. Date B. Time (24 Hr Clock)	
Section IV Automated System Data	
19. Type of Inspection 20. Event Number	21. Primary or Mill
(activity code) E 0 1 7 6 5 4 3	2 1
22. Signature	23. AR Number
JOE SOUTH	0 5 5 5 6
MSHA Form 7000-3 Mar 85 (Revised)	

104(a) CITATION - 62.130 NOISE

U.S. Department of LaborMine Safety and Health Administration

Section I Subsequent Action/Continuation Data											
1. Subsequent Action 1a. Continuation 2. Dated Mo Da Yr 3. Citation/Order Number	4	4 4	4 4	4	4	4	4	5	- (0	1
4. Served To 5. Operator	L						Ш				_
GEORGE JONES, SAFETY DIRECTOR XYZ MINING COMPANY											
6. Mine 7. Mine ID 7.											_
XYZ MINE		10	ากก	ntrs	acto	or)					
Section II Justification for Action		(,	5011	ILIC	JOIC	<u>,,, </u>					_
											_
The mine operator installed a new muffler, put in a noise insulating floor mat, and plugged all openings between the	ope	rato	or's	3							
compartment and the engine compartment with noise attenuating material on the Caterpillar front-end loader.											
Based on an MSHA full shift noise sample taken on 12/16/01, the operator (occupation code xxx) of the front-end leads to the contract of the first contract of the contract of											
a permissible exposure level noise dose of 76%. This dose is less than the permissible exposure level of 100% plu	s err	or f	act	or							
(or 132%).						—					_
The front-end loader operator identified above must remain enrolled in a hearing conservation program which com	olioo ı	with	th	_		_					_
provisions of 30 CFR 62.150 until the noise dose is reduced below the action level.	nies (WILI	ı ur	le							_
provisions of so of it oz. 100 until the holde dode is reduced below the detail level.				_							_
Equipment: Caterpillar 880 front-end loader, S/N 00764762				_	_	_					_
· · · · · · · · · · · · · · · · · · ·											
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						_					_
										_	
	See	e Co	onti	inu	ıatio	on l	Forr	m		L	
Section III Subsequent Action Taken											_
8. Extended To Mo Da Yr	Termii	nate	ed		Χ	Е	. Mc	odifi	ed		
Section IV Inspection Data				_							
9. Type of Inspection 10. Event Number 7 6 5 4 3 2 1											
11. Signature AR Number 12. Date Mo Da Yr 13. Time	(24 H	Hr. (Clo	ock	:)						
JOE SOUTH 0 5 5 5 6 1 2 1 6 0 1						_		1	7	3 (0

MSHA Form 7000-3a, Mar 85 (Revised)

104(a) CITATION - TERMINATED

U.S. Department of LaborMine Safety and Health Administration

Section I Violation Data		
1. Date Mo Da Yr 2. Time (24 Hr. Clock) 3. Citation/Order		
0 1 0 3 0 2 1 7 0 0 Number 4	4 4 4 4 7	6
4. Served To 5. Operator	, -1 -1 -1 -1 -1	
JOHN MILTON, PRESIDENT ONLY THE BEST ROCK		
6. Mine 7. Mine ID		
HARD ROCK MINE 9 0 - 8 8 8 8 8 - (contract		
8a. Written Notice	(103g)	
The requite of an MCHA full shift reice completely an 04/02/02 showed the energies (accuration code you) using the		
The results of an MSHA full shift noise sample taken on 01/03/02 showed the operator (occupation code xxx) using the jack leg drill received a noise dose of 1230%. This exceeds the dual hearing protection level of 800% plus error factor (or 1056%).		
Just 10g drill 10001100 d 110100 d000 01 120070. This oxioodd the dda frod hig protocol 100070 of 00070 place of other ladder (cf. 100070).		
The miner was not wearing dual hearing protection, but was just using a muff-type hearing protector.		
The initial abatement period is to allow time for the mine operator to provide and ensure the concurrent use of dual hearing protector.	ors.	
The abatement date may be extended to allow the mine operator time to install and implement all feasible engineering and administrative noise controls.		
autilitionative noise controls.		
Equipment: Model 2 B-Barber jack leg drill, Company # 10		
Location: 9 East Section, 12 Right		
		_
See Continuation Form (MSHA Form 700)0-3a) [X
9. Violation A. Health B. Section C. Part/Section of		İ
Safety B. Section C. Part/Section of		İ
Section II Inspector's Evaluation		
10. Gravity:		
A. Injury or Illness (has) (is): No Likelihood Unlikely Reasonably Likely Highly Likely X	ccurred	
B. Injury or Illness could rea-		
sonably be expected to be: No Lost Workdays Lost Workdays or Restricted Duty Permanently Disabling	g X Fatal	<u> </u>
C. Significant and Substantial (See Reverse): Yes X No D. Number of Persons Affect	ed 0 0	1
11. Negligence (check one)		
A. None B. Low C. Moderate X D. High E. Reckless Dist	regard	
12. Type of Action 13. Type of Issuance (check one)		
1 0 4 - a - , - Citation X Order Safeg	uard	
14. Initial Action D. Written E. Citation F. Dated	Mo Da Y	r
A. Citation B. Order C. Safeguard Notice Order 1		İ
15. Area or Equipment		<u> </u>
To. Alea of Equipment		
16. Termination Due Mo Da Yr		
A. Date 0 1 1 0 0 2 B. Time (24 1 2 0 0		
Section III Termination Action		
_17. Action to Terminate		
18. Terminated Mo Da Yr	-	
A. Date B. Time (24 Hr Clock)		
Section IV Automated System Data		
19. Type of Inspection 20. Event Number 21. Primary or Mill		
(activity code) E 0 1 2 3 4 5 6 8		
22. Signature 23. AR Number		Г
HORATIO ALGER	6 0 0 0	n
HOWITO ALOUIT		

MSHA Form 7000-3 Mar 85 (Revised)

104(a) CITATION - 62.140 NOISE

U.S. Department of LaborMine Safety and Health Administration

Section I Subsequent Actio	n/Continuation	Data																			
1. Subsequent Action 1a.	Continuation	2. Dated (Original Issu	ne)	М 0		Da) 3	Yr 0	2	3	3. Cita Nu	ation/o mber	Order	4	4	4	4	4	7	6 -		
4. Served To				!	5	Оре	erato	ır						<u> </u>	<u> </u>						
JOHN MILTON, PRESIDE	NT				0.			ГНЕ ВІ	= QT D	יחרג											
6. Mine	-141				7	Min			<u> </u>				Τ								
					ļ'.	IVIIII	ם וט			8 8	0 0			(0)		ot	~ r\				
HARD ROCK MINE Section II Justification for A	ction							3	J - 1	0 0	0 0	0 - 1		(CC	ווונ	ract	UI)				
Occion ii Gustineation for 7	otion																				
Dual hearing protection m	ust be worn by	the affected mine	er until	the	e nois	se do	se is	s reduc	ed to	or bel	ow th	e dual hearin	ng								
protection level. After the																					
exposures that exceed the																					
													_		_						
															_						
													_		_						
															_						
															_						
													—		—						
																					_
												S	ee	Cor	ntin	uati	on I	Forn	n		
Section III Subsequent Acti	on Taken																				
8. Extended To A. Date	Mo Da	Yr B. Time (2	24 Hr. (Clo	ck)				C. \	/acate	ed	D. Teri	mir	ate	d] E	. Mo	difie	d	
Section IV Inspection Data																					
9. Type of Inspection	10. E	vent Number	1 2	3	4 5	5 6	8														
11. Signature	~ '		AR N		•	1	Date	e	Мо	Da	Yr	13. Time (2	4 F	lr. C	loc	:k)	_	\neg			Π
HORATIO ALGER			6 0				Jal				Ϊ	10. Tille (2	r 1 1	0	.00	٠٠,					
-				_									_							•	

MSHA Form 7000-3a, Mar 85 (Revised)

104(a) CITATION - CONTINUATION 62.140 NOISE

U.S. Department of LaborMine Safety and Health Administration

Section I Subsequent Action/Continuation Data														
1. Subsequent Action 1a. Continuation 2. Dated (Original	Issue)	Мо 0 1	Da 0		2	Citation Number		4	4	4 4	1 4	7 6	6 -	0 1
4. Served To	<u> </u>		5. O	perato	r	I							- -	
JOHN MILTON, PRESIDENT			1		ГНЕ BEST	ROCK								
6. Mine				ine ID	TIT	TIT								
HARD ROCK MINE			7.1011	inc ib	۔ ام ام	8888			(00)	ntrac	otor)			
Section II Justification for Action					13101-		7 0 - 1		(COI	iliac	ior			
Coolor II Coolingation for Action														
The mine operator has provided the miner with both a	muff and a	a plug	g-type	hearii	ng protecto	or of the mine	er's choosing.							
The mine operator has trained the miner in the use of	the dual he	earing	g prote	ection	and ensu	red that they	are being us	ed						
concurrently.														
The mine operator has ordered a manufacturer's muffl	er for the ja	ack le	eg dril	I. The	miner ope	erating the ja	ck leg drill m	ust c	ontir	nue				
to wear the dual hearing protection until the noise dose	e has been	redu	uced to	o or b	elow the d	ual hearing p	rotection leve	el.						
This citation is being extended to allow time for the mir	ne operato	r to ii	nstall a	and in	iplement a	all feasible en	gineering and	d						
administrative controls.														
Equipment: Model 2 B-Barber Jack Leg [Orill No. 10	<u> </u>												
Equipment: Model 2 B-Balber Jack Leg L	Jilli, NO. 10	<u> </u>												
-														
_														
							9	See	Cont	inua	tion	Form	ı	
Section III Subsequent Action Taken														
0 1 1 7 0 2	ne (24 Hr. (Clock	κ)	1	2 0 0 C	. Vacated	D. Ter	rmin	ated] =	. Mod	dified	
Section IV Inspection Data			1 1											
9. Type of Inspection E 0 1 10. Event Number	1 2	3 4	5 6	8 6										
11. Signature	AR N	lumb	er 1	2. Dat	е Мо	Da Yr	13. Time (2	24 H	r. Clo	ock)				
HORATIO ALGER	6 0	0 0	0		0 1	1 1 1 0 2	2						1 3	0 0

MSHA Form 7000-3a, Mar 85 (Revised)

104(a) CITATION - EXTENSION 1 - 62.140 NOISE

U.S. Department of LaborMine Safety and Health Administration

Section I Subsequent Action/Continuation Data	
1. Subsequent Action 1a. Continuation 2. Dated Mo Da Yr 3. Citation/Order 4 4 4 4 7 6 - 0	2
4. Served To 5. Operator	
JOHN MILTON, PRESIDENT ONLY THE BEST ROCK	
6. Mine 7. Mine ID	
HARD ROCK MINE 9 0 - 8 8 8 8 8 - (contractor)	
Section II Justification for Action	_
The mine operator has installed a manufacturer's muffler on the No. 10 jack leg drill and other jack leg drills at this mine. The	
drill operator was resampled on 01/17/02 and, based upon an MSHA full shift noise sample, received a permissible exposure	
level dose of 700%. This is less than 800% plus error factor (or 1056%). The miner is no longer required to wear dual hearing	
protection.	
The company stated they will require the miner to continue to use dual hearing protection. The miner must continue to wear hearing	
protection until the noise dose is reduced to or below the permissible exposure level.	_
This citation is extended to allow time to determine if there are other feasible engineering and/or administrative controls.	
Equipment: Model 2 B-Barber Jack Leg Drill, No. 10	
	_
	_
	_
See Continuation Form	
Section III Subsequent Action Taken	
8. Extended To A. Date Mo Da Yr A. Date No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No Da No	
Section IV Inspection Data	
9. Type of Inspection 10. Event Number	
11. Signature AR Number 12. Date Mo Da Yr 13. Time (24 Hr. Clock)	
HORATIO ALGER 6 0 0 0 0 0 1 1 7 0 2 1 7 3	0
MSHA Form 7000-3a, Mar 85 (Revised)	_

104(a) CITATION - EXTENSION 2 - 62.140 NOISE

U.S. Department of LaborMine Safety and Health Administration

Section I Subsequent Action/Continuation Data	
1. Subsequent Action 1a. Continuation 2. Dated (Original Issue) 0 1 0 3 0 2 3. Citation/Order Number 4 4 4 4 7 6	- 0 3
4. Served To 5. Operator	
JOHN MILTON, PRESIDENT ONLY THE BEST ROCK	
6. Mine 7. Mine ID 7. Mine ID	
HARD ROCK MINE 9 0 - 8 8 8 8 8 - (contractor)	
Section II Justification for Action	
The District Management of Gold and second at the lines of District Management of the lines of the lines of the lines of the lines of the lines of the lines of the lines of the lines of the lines of the lines of the lines of the lines of the lines of the lines of the lines of the lines of the lines of the lines of the lines of the lines of the lines of the lines of the lines of the lines of the lines of the lines of the lines of the lines of the lines of the lines of the lines of the lines of the lines of the lines of the lines of the lines of the lines of the lines of the lines of the lines of the lines of the lines of the lines of the lines of the lines of the lines of the lines of the lines of the lines of the lines of the lines of the lines of the lines of the lines of the lines of the lines of the lines of the lines of the lines of the lines of the lines of the lines of the lines of the lines of the lines of the lines of the lines of the lines of the lines of the lines of the lines of the lines of the lines of the lines of the lines of the lines of the lines of the lines of the lines of the lines of the lines of the lines of the lines of the lines of the lines of the lines of the lines of the lines of the lines of the lines of the lines of the lines of the lines of the lines of the lines of the lines of the lines of the lines of the lines of the lines of the lines of the lines of the lines of the lines of the lines of the lines of the lines of the lines of the lines of the lines of the lines of the lines of the lines of the lines of the lines of the lines of the lines of the lines of the lines of the lines of the lines of the lines of the lines of the lines of the lines of the lines of the lines of the lines of the lines of the lines of the lines of the lines of the lines of the lines of the lines of the lines of the lines of the lines of the lines of the lines of the lines of the lines of the lines of the lines of the lines of the lines of the lines of the lines of the lines of the lines of the lines of t	
The District Manager and field enforcement staff believe a P-code is warranted for this jack leg drill occupation, and have initiated the review process.	
the review process.	
This citation is extended to allow time for the review.	
The mine operator must continue to comply with provisions of 30 CFR 62.130.	
See Continuation Form	
Section III Subsequent Action Taken	
8. Extended To A. Date	ed
Section IV Inspection Data 9. Type of Inspection 10. Event Number 10. Event Number 10. Event Number 10. Event Number 10. Event Number 10. Event Number 10. Event Number 10. Event Number 10. Event Number 10. Event Number 10. Event Number 10. Event Number 10. Event Number 10. Event Number 10. Event Number 10. Event Number 10. Event Number 10. Event Number 10. Event Number 10. Event Number 10. Event Number 10. Event Number 10. Event Number 10. Event Number 10. Event Number 10. Event Number 10. Event Number 10. Event Number 10. Event Number 10. Event Number 10. Event Number 10. Event Number 10. Event Number 10. Event Number 10. Event Number 10. Event Number 10. Event Number 10. Event Number 10. Event Number 10. Event Number 10. Event Number 10. Event Number 10. Event Number 10. Event Number 10. Event Number 10. Event Number 10. Event Number 10. Event Number 10. Event Number 10. Event Number 10. Event Number 10. Event Number 10. Event Number 10. Event Number 10. Event Number 10. Event Number 10. Event Number 10. Event Number 10. Event Number 10. Event Number 10. Event Number 10. Event Number 10. Event Number 10. Event Number 10. Event Number 10. Event Number 10. Event Number 10. Event Number 10. Event Number 10. Event Number 10. Event Number 10. Event Number 10. Event Number 10. Event Number 10. Event Number 10. Event Number 10. Event Number 10. Event Number 10. Event Number 10. Event Number 10. Event Number 10. Event Number 10. Event Number 10. Event Number 10. Event Number 10. Event Number 10. Event Number 10. Event Number 10. Event Number 10. Event Number 10. Event Number 10. Event Number 10. Event Number 10. Event Number 10. Event Number 10. Event Number 10. Event Number 10. Event Number 10. Event Number 10. Event Number 10. Event Number 10. Event Number 10. Event Number 10. Event Number 10. Event Number 10. Event Number 10. Event Number 10. Event Number 10. Event Number 10. Event Number 10. Event Number 10. Event Number 10. Event Number 10. Event Number 10. Event Number 10. Event Number 10. Event Number 10. E	
9. Type of Inspection 10. Event Number 1 2 3 4 5 6 8	
11. Signature AR Number 12. Date Mo Da Yr 13. Time (24 Hr. Clock)	
HORATIO ALGER 6 0 0 0 0 0 1 3 1 0 2 1	0 0 0
MSHA Form 7000-3a, Mar 85 (Revised)	

104(a) CITATION - EXTENSION "P" CODE

U.S. Department of LaborMine Safety and Health Administration

Section I Subseque	nt Action/Continuation	Data													
1. Subsequent Action	1a. Continuation	Dated (Original Issue)	Mo 0 1	Da 0 3	Yr 0 2		3. Cita Nun	tion/Order nber		4	4 4	4 4	4 7 6	6 - 0	0 4
4. Served To		I .	- - 	5. Op	erator		1				!			1	
JOHN MILTON, PI	RESIDENT			10	ILY TH	IE BEST	ROCK								
6. Mine				7. Min	ie ID										
HARD ROCK MIN	E					9 0 -	8 8	8 8 8 -	.	(cont	ractor)		
Section II Justification	on for Action														
Λ "D" code for the	occupation operating t	ho No. 10. Model 2P F	Porbor	iook loe	a drill b	oo boon	ossianos	d oo numb	or VVVV	,					
A P code for the	occupation operating t	TIE NO. 10, WOUGE 2B E	baibei	jack ieg	g uriii ri	as Deen	assigned	as numbi		٠.					
All feasible engine	ering and administrative	re controls must contin	nue to l	be used	and n	naintaine	d. This i	ncludes th	e muffle	r for	the	jack			
leg drill. In additio	n, if new feasible engir	neering and/or adminis	trative	control	s becc	me avail	able, the	y must be	implem	ente	d.				
The mine operator	must continue to mee	t requirements of 30 C	FR Pa	art 62.											
This citation is terr	ninated.														
-															
-															
•															
-															
									Se	ee C	ontir	uation	n Form		
Section III Subseque	ent Action Taken														
8. Extended To A.	Date Mo Da	Yr B. Time (24 Hr	. Clock	()		C.	. Vacated	d 🗌	D. Tern	ninat	ted	Χ	E. Mod	lified	
Section IV Inspection															
9. Type of Inspection	E 0 1	vent Number 1 2	3 4	5 6	8										
11. Signature			Numb		. Date	Мо	Da	Yr 13. T	ime (24	Hr.	Cloc	k)			
HORATIO ALGER		6 0	0 0	0		0 3	0 5	0 2					1	3	0 0
MSHA Form 7000-3a		1 31 3	1 -1 -	1-1		1 -1 -	1 -1 -1	1 1						1 -1	

104(a) CITATION - TERMINATION "P" CODE

Section I Violation Data	
1. Date Mo Da Yr 2. Time (24 Hr. Clock)	3. Citation/Order
0 8 2 3 0 1 0 9 0 0	Number 4 4 1 0 0 2 4
4. Served To 5. Operator	
William Smith, Superintendent R and R Contracting	
6. Mine 7. Mine ID	
	3 5 3 6 - C 2 4 (contractor)
8. Condition or Practice	8a. Written Notice (103g)
C. Soriditori di l'Italiaco	od. Willen Notice (1009)
A contract laborer was wearing tennis shoes instead of suitable protective footwear. He was carrying I	2020// machino parts in the area
of the addition to the plant. The laborer said that he forgot to bring his hard-toed boots to work, but need to be additionable protective rootwear. The was carrying to	
of the addition to the plant. The laborer said that he longer to bring his hard toed boots to work, but he	giodica to illiotti filo supervisor.
Note: Some violations by contractors will also involve the mine operator. In these cases, it is a	ppropriate to cite the mine operator separately.
	., .,,
00	
	ontinuation Form (MSHA Form 7000-3a)
9. Violation A. Health	
Safety B. Section C. Part/Section of	
Other of Act - Title 30 CFR	7 7 . 1 7 1 0 e
Section II Inspector's Evaluation	
10. Gravity: A. Injury or Illness (has) (is): No Likelihood Unlikely Reasonably Likely X	Highly Likely Occurred
	Trigilly Likely Occurred
B. Injury or Illness could rea-	. Demonstrativ Disability V Fatal
sonably be expected to be: No Lost Workdays Lost Workdays or Restricted Duty	Permanently Disabling X Fatal
C. Significant and Substantial (See Reverse): Yes X No	D. Number of Persons Affected 0 0 1
11. Negligence (check one)	+ + +
A. None B. Low C. Moderate X D. High	E. Reckless Disregard
12. Type of Action 13. Type of Issuance (check or	
1 0 4 2	Order Safeguard
	Order Saleguard
14. Initial Action D. Written E. Citation/	F. Dated Mo Da Yr
A. Citation B. Order C. Safeguard Notice Order	
15. Area or Equipment	
TO. Alba di Eduphidik	
16. Termination Due Mo Da Yr	
A. Date 0 8 2 3 0 1 B. Time (24 1 0 3 0	
0 8 2 3 0 1 Hr. Clock) 1 0 3 0 Section III Termination Action	
17. Action to Terminate	
The miner was provided and wearing suitable protective footwear.	
18. Terminated Mo Da Yr	
A. Date B. Time (24 Hr Clock)	
Section IV Automated System Data	
19. Type of Inspection 20. Event Number 21. Primary or Mill	
(activity code) E 1 5 0 8 8 8 3 2	
22. Signature	23. AR Number
John Jones	2 0 7 7 8
MSHA Form 7000-3 Mar 85 (Ravisad)	121017170

1. Date Mo Da Yr 2. Time (24 Hr. Clock)				3. Cita	tion/Order		
0 7 0 7 0 1	1 6 (0 0		Nur	nber	2 0 7	1 0 0 1
4. Served To			5. Operator				
John Brown, Superintendent			XYZ Company				
6. Mine			7. Mine ID				
No. 2			4 4 - 0 1	7 0 1		ntractor)	
8. Condition or Practice					8a. Written Not	ice (103g)	
The everage concentration of receivable dust in the working of	nironm	ont o	f the decimented work position		aa/m³ udiah ayaas	ada tha	
The average concentration of respirable dust in the working e 2.0 mg/m³ standard. This finding was based on the results of							
must take corrective action to lower the respirable dust, and t							
must be submitted to the Pittsburgh Respirable Dust Processi							
Designated work position: 001-0 368							
Advisory No. 0001 dated 7/6/01							
			Soo Conti	nuotion Eo	rm (MSHA Form 7	(000 30)	
O Violetian IA Health			See Conti	nuation Fo	IIII (IVISHA FOIIII 7	000-3a)	<u> </u>
9. Violation A. Health B. Section			C. Part/Section of				
Other of Act -			Title 30 CFR		7 1 . 1 0 0		
Section II Inspector's Evaluation	1 1					- 1 1 1	1 1 1 1
10. Gravity:		_	B	1.12 - 1.1		0	. —
	ikely		Reasonably Likely	Highly	y Likely X	Occurre	ed
B. Injury or Illness could rea-			Wallada is an Daatriata d Distri		Danna an an thu Dia ah	.1:	1 Fatal
sonably be expected to be: No Lost Workdays		LOST	Workdays or Restricted Duty	'	Permanently Disab	oling [^	Fatal
C. Significant and Substantial (See Reverse): Yes							
	X N	lo		D. Numl	ber of Persons Affe	ected	0 0 1
11. Negligence (check one)	•			D. Numl			0 0 1
11. Negligence (check one)	X N		X D. High	D. Numl	ber of Persons Affe E. Reckless		0 0 1
11. Negligence (check one) A. None B. Low 0 12. Type of Action 0	•	rate	Type of Issuance (check one)		E. Reckless	s Disregard	
11. Negligence (check one) A. None B. Low	•	rate			E. Reckless		
11. Negligence (check one)	C. Mode	rate 13.	Type of Issuance (check one) Citation		E. Reckless	Disregard	
11. Negligence (check one) A. None B. Low 12. Type of Action	C. Mode	rate	Type of Issuance (check one) Citation X E. Citation/ Order		E. Reckless	s Disregard	0 0 1
11. Negligence (check one) A. None B. Low 12. Type of Action 1 0 4 - a - , - 14. Initial Action A. Citation B. Order C. Safeguard	C. Mode	13. Vritter	Type of Issuance (check one) Citation X n E. Citation/		E. Reckless	Disregard	
11. Negligence (check one) A. None B. Low 12. Type of Action 1 0 4 - a - ,	C. Mode	13. Vritter	Type of Issuance (check one) Citation X E. Citation/ Order		E. Reckless	Disregard	
11. Negligence (check one) A. None B. Low 12. Type of Action 1 0 4 - a - , - 14. Initial Action A. Citation B. Order C. Safeguard	C. Mode	13. Vritter	Type of Issuance (check one) Citation X E. Citation/ Order		E. Reckless	Disregard	
11. Negligence (check one) A. None B. Low 12. Type of Action 1 0 4 - a - ,	C. Mode	13. Vritter	Type of Issuance (check one) Citation X E. Citation/ Order		E. Reckless	Disregard	
11. Negligence (check one) A. None B. Low 12. Type of Action 1 0 4 - a - , 14. Initial Action A. Citation B. Order C. Safeguard 15. Area or Equipment	D. W	13. Vritter	Type of Issuance (check one) Citation X E. Citation/ Order		E. Reckless	Disregard	
11. Negligence (check one) A. None B. Low 12. Type of Action 1 0 4 - a - ,	D. W	13. Vritter	Type of Issuance (check one) Citation X E. Citation/ Order		E. Reckless	Disregard	
11. Negligence (check one) A. None B. Low 12. Type of Action 1 0 4 - a - ,	D. WN	13. Vritter	Type of Issuance (check one) Citation X		E. Reckless	Disregard	
11. Negligence (check one) A. None B. Low 12. Type of Action 1 0 4 - a - ,	D. WN	13. Vritter	Type of Issuance (check one) Citation X		E. Reckless	Disregard	
11. Negligence (check one) A. None B. Low 12. Type of Action 1 0 4 - a - ,	D. WN	13. Vritter	Type of Issuance (check one) Citation X		E. Reckless	Disregard	
11. Negligence (check one) A. None B. Low 12. Type of Action 1 0 4 - a - ,	D. WNN	13. Vritter	Type of Issuance (check one) Citation X		E. Reckless	Disregard	
11. Negligence (check one) A. None B. Low 12. Type of Action 1 0 4 - a - ,	D. WNN	13. Vritter	Type of Issuance (check one) Citation X		E. Reckless	Disregard	
11. Negligence (check one) A. None B. Low 12. Type of Action 1 0 4 - a - ,	D. WNN	13. Vritter	Type of Issuance (check one) Citation X		E. Reckless	Disregard	
11. Negligence (check one) A. None B. Low 12. Type of Action 1 0 4 - a - ,	D. WNN	13. Vritter	Type of Issuance (check one) Citation X B. Citation/ Order Number 0 8 0 0		E. Reckless	Disregard	
11. Negligence (check one) A. None B. Low 12. Type of Action 1 0 4 - a - ,	D. Wole (24 Clock)	Vritter ootice	Type of Issuance (check one) Citation X B. Citation/ Order Number 0 8 0 0 21. Primary or Mill		E. Reckless	Disregard	
11. Negligence (check one) A. None B. Low 12. Type of Action 1 0 4 - a - ,	D. Wole (24 Clock)	13. Vritter	Type of Issuance (check one) Citation X B. Citation/ Order Number 0 8 0 0		E. Reckless	afeguard Mo	
11. Negligence (check one) A. None B. Low 12. Type of Action 1 0 4 - a - ,	D. Wole (24 Clock)	Vritter ootice	Type of Issuance (check one) Citation X B. Citation/ Order Number 0 8 0 0 21. Primary or Mill		E. Reckless	afeguard Mo	Da Yr

MSHA Form 7000-3 Mar 85 (Revised)

Section I Violation Data				
1. Date Mo Da Yr 2. Time (24 Hr. Clock)			3. Citation/Order	
0 7 0 7 0 1	1 8 0	0	Number	2071002
4. Served To		5. Operator		
John Brown, Superintendent		XYZ Company		
6. Mine		7. Mine ID		
No. 3		4 4 - 0 1	7 0 2 - (cor	ntractor)
8. Condition or Practice			8a. Written Not	tice (103g)
The control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the co	•	of a fight and a second and a second flow of		- 1 th - 4 0 /- 0
The average concentration of respirable dust in the working applicable limit. This finding was based on the results of five				
take corrective action to lower the respirable dust, and then				
submitted to the Pittsburgh Respirable Dust Processing Laboration	-			
Designated occupation: continuous miner operator -0)36			
Location: MMU 001-0				
Advisory No. 0001 dated 7/6/01				
		See Cont	investion Form (MCLIA Form 7	7000 20)
O Violetian A Health		See Cont	inuation Form (MSHA Form 7	000-3a)
9. Violation A. Health B. Section		C. Part/Section of		
Other of Act -		Title 30 CFR	7 0 . 1 0	1
Section II Inspector's Evaluation			1.191.1.19	·
10. Gravity:				
A. Injury or Illness (has) (is): No Likelihood Un	likely	Reasonably Likely X	Highly Likely	Occurred
B. Injury or Illness could rea-		at Washington Brack at all But	D. B	ur. V Fatal D
sonably be expected to be: No Lost Workdays	LI Lo	st Workdays or Restricted Duty	Permanently Disab	oling X Fatal
C. Significant and Substantial (See Reverse): Yes	X No		D. Number of Persons Aff	ected 0 0 2
11. Negligence (check one)			·	
A. None B. Low	C. Moderat	te X D. High	E. Reckless	s Disregard
12. Type of Action		13. Type of Issuance (c <u>hec</u> k one)		
1 0 4 - a - , -	-	Citation	Order S	afeguard
14. Initial Action	D. Writ	tten E. Citation/	F. Dated	Mo Da Yr
A. Citation B. Order C. Safeguard	Noti	ice Order		
15 Area or Equipment	•	Number		
15. Area or Equipment		Number		
15. Area or Equipment		Number		
		Number		
16. Termination Due Mo Da Yr	ne (24	Number		
16. Termination Due A. Date B. Tim	ne (24 . Clock)	Number 0 8 0 0		
16. Termination Due				
16. Termination Due A. Date Mo Da Yr B. Tim O 7 2 7 0 1 Hr.				
16. Termination Due				
16. Termination Due A. Date Mo Da Yr B. Tim A. Date 0 7 2 7 0 1 Hr. Section III Termination Action 17. Action to Terminate 18. Terminated Mo Da Yr	. Clock)			
16. Termination Due A. Date Da Yr A. Date O 7 2 7 0 1 B. Tim Section III Termination Action 17. Action to Terminate	. Clock)			
16. Termination Due A. Date Da Yr B. Tim Section III Termination Action 17. Action to Terminate A. Date B. Tim Hr. B. Tim Hr. B. Time (24)	. Clock)			
16. Termination Due A. Date Da Yr B. Tim Section III Termination Action 17. Action to Terminate 18. Terminated A. Date Mo Da Yr B. Time (24) Section IV Automated System Data	. Clock)	0 8 0 0		
16. Termination Due A. Date Da Yr B. Tim Hr. Section III Termination Action 17. Action to Terminate 18. Terminated A. Date Mo Da Yr Hr. B. Time (24) Section IV Automated System Data 19. Type of Inspection 20. Event Number	. Clock)	0 8 0 0 0 21. Primary or Mill		
16. Termination Due A. Date O 7 2 7 0 1 B. Tim Hr. Section III Termination Action 17. Action to Terminate 18. Terminated A. Date Mo Da Yr Hr. Section IV Automated System Data 19. Type of Inspection (activity code) E 1 6	. Clock)	0 8 0 0	23. AR Numh	er
16. Termination Due A. Date Da Yr B. Tim Hr. Section III Termination Action 17. Action to Terminate 18. Terminated A. Date Mo Da Yr Hr. B. Time (24) Section IV Automated System Data 19. Type of Inspection 20. Event Number	. Clock)	0 8 0 0 0 21. Primary or Mill	23. AR Numb	er 0 2 4 2 0

MSHA Form 7000-3 Mar 85 (Revised)

Section I Violation Data	
	0.00.0
1. Date Mo Da Yr 2. Time (24 Hr. Clock) 0 9 0 0	3. Citation/Order 9 0 0 0 0 0 1
4. Served To	5. Operator
John Brown, Superintendent	TR Company
6. Mine	7. Mine ID
No. 40	4 5 - 5 1 2 3 2 - (contractor)
8. Condition or Practice	8a. Written Notice (103g)
The mine operator did not collect the required bimonthly valid respirable du	st samples in the designated area, as identified in Advisory No. 0001,
dated October 5, 2001.	
Bimonthly cycle missed: August - September	
Designated area: 212-0	
-	See Continuation Form (MSHA Form 7000-3a)
9. Violation A. Health	
Safety B. Section	C. Part/Section of
Other of Act	Title 30 CFR 7 0 . 2 0 8
Section II Inspector's Evaluation	1.10 00 0.11
10. Gravity:	
A. Injury or Illness (has) (is): No Likelihood Unlikely X	Reasonably Likely Highly Likely Occurred
B. Injury or Illness could rea-	
sonably be expected to be: No Lost Workdays X Lost \	Norkdays or Restricted Duty Permanently Disabling Fatal
C. Significant and Substantial (See Reverse): Yes No	X D. Number of Persons Affected 0 0 1
11. Negligence (check one)	
A. None B. Low C. Moderate	X D. High E. Reckless Disregard
12. Type of Action 13.	Type of Issuance (check one)
	Citation X Order Safeguard
' 0 4 - a - , - -	Citation A Grade
14. Initial Action D. Writter	E. Citation/ F. Dated Mo Da Yr
A. Citation B. Order C. Safeguard Notice	☐ Order
15. Area or Equipment	— Number
10. Alea of Equipment	
16. Termination Due Mo Da Yr	
A. Date B. Time (24	
1 0 0 5 0 1 Hr. Clock)	0 9 1 0
17. Action to Terminate	
No action required because bimonthly sampling requirements can only be	satisfied during the established bimonthly period.
	71
18. Terminated Mo Da Yr	
A. Date B. Time (24 Hr Clock)	
1 0 0 5 0 1	0 9 1 0
Section IV Automated System Data	
19. Type of Inspection 20. Event Number	21. Primary or Mill
(activity code) E 2 6 5 1 2 3 4	5 6
22. Signature	23. AR Number
Thomas Morris	0 2 4 2 0
MSHA Form 7000-3 Mar 85 (Revised)	0 2 4 2 0

104(a) CITATION BASED ON FAILURE TO TAKE RESPIRABLE DUST SAMPLES

U.S. Department of LaborMine Safety and Health Administration

Section I Subsequent Action/0	Continuation Data										
Subsequent Action X	1a. Continuation	Dated (Original Issue)	мо 0 7		Yr 0 1	3. Citation		2 0	7 1 0	0 2 -	- 0 1
4. Served To				5. Operato	or	•					
John Brown, Superinte	endent				Compan	у					
6. Mine				7. Mine ID							
No. 3					4	4 - 0 1	7 0 2 -	(conti	ractor)		
Section II Justification for Action	on										
		during the period for at									
can be determined.	vo samples. Addition	al time is granted to allo	w more	e sample	s to be se	ent to MSHA so	o compliance or no	oncompila	ınce		
can be determined.											
											,
-											
								See	Continua	ation Forr	m
Section III Subsequent Action	Taken										
8. Extended To A. Dat	e	Yr 0 1 B. Time (24 Hr. Clor	ck)		9 0	0 C. Vacated	D. Terminate	d [E. Mod	lified	
Section IV Inspection Data											
9. Type of Inspection	E 2 6	nt Number 5 0	3 2	4 1	9						
11. Signature	1 1 1	AR N	umber	12. Da	ate	Mo Da	Yr 13. Time (24 H	r. Clock)			\prod
Thomas Morris		0 2					0 1			1 (0 0 0

MSHA Form 7000-3a, Mar 85 (Revised)

EXTENSION OF ABATEMENT TIME

Mine Citation/Order

U.S. Department of LaborMine Safety and Health Administration

Continual Visiting Date	
Section I Violation Data	
1. Date Mo Da Yr 2. Time (24 Hr. Clock) 1 8 0 0	3. Citation/Order
4. Served To 5. Operator	
John Brown, Superintendent XYZ Company	
6. Mine 7. Mine ID	
No. 3 4 4 -	0 1 7 0 2 - (contractor)
8. Condition or Practice	8a. Written Notice (103g)
MOUNT IN COLUMN TO THE PROPERTY OF THE PROPERTY OF THE PROPERTY OF THE PROPERTY OF THE PROPERTY OF THE PROPERTY OF THE PROPERTY OF THE PROPERTY OF THE PROPERTY OF THE PROPERTY OF THE PROPERTY OF THE PROPERTY OF THE PROPERTY OF THE PROPERTY OF THE PROPERTY OF THE PROPERTY OF THE PROPERTY OF THE PROPERTY OF THE PROPERTY OF THE PROPERTY OF THE PROPERTY OF THE PROPERTY OF THE PROPERTY OF THE PROPERTY OF THE PROPERTY OF THE PROPERTY OF THE PROPERTY OF THE PROPERTY OF THE PROPERTY OF THE PROPERTY OF THE PROPERTY OF THE PROPERTY OF THE PROPERTY OF THE PROPERTY OF THE PROPERTY OF THE PROPERTY OF THE PROPERTY OF THE PROPERTY OF THE PROPERTY OF THE PROPERTY OF THE PROPERTY OF THE PROPERTY OF THE PROPERTY OF THE PROPERTY OF THE PROPERTY OF THE PROPERTY OF THE PROPERTY OF THE PROPERTY OF THE PROPERTY OF THE PROPERTY OF THE PROPERTY OF THE PROPERTY OF THE PROPERTY OF THE PROPERTY OF THE PROPERTY OF THE PROPERTY OF THE PROPERTY OF THE PROPERTY OF THE PROPERTY OF THE PROPERTY OF THE PROPERTY OF THE PROPERTY OF THE PROPERTY OF THE PROPERTY OF THE PROPERTY OF THE PROPERTY OF THE PROPERTY OF THE PROPERTY OF THE PROPERTY OF THE PROPERTY OF THE PROPERTY OF THE PROPERTY OF THE PROPERTY OF THE PROPERTY OF THE PROPERTY OF THE PROPERTY OF THE PROPERTY OF THE PROPERTY OF THE PROPERTY OF THE PROPERTY OF THE PROPERTY OF THE PROPERTY OF THE PROPERTY OF THE PROPERTY OF THE PROPERTY OF THE PROPERTY OF THE PROPERTY OF THE PROPERTY OF THE PROPERTY OF THE PROPERTY OF THE PROPERTY OF THE PROPERTY OF THE PROPERTY OF THE PROPERTY OF THE PROPERTY OF THE PROPERTY OF THE PROPERTY OF THE PROPERTY OF THE PROPERTY OF THE PROPERTY OF THE PROPERTY OF THE PROPERTY OF THE PROPERTY OF THE PROPERTY OF THE PROPERTY OF THE PROPERTY OF THE PROPERTY OF THE PROPERTY OF THE PROPERTY OF THE PROPERTY OF THE PROPERTY OF THE PROPERTY OF THE PROPERTY OF THE PROPERTY OF THE PROPERTY OF THE PROPERTY OF THE PROPERTY OF THE PROPERTY OF THE PROPERTY OF THE PROPERTY OF THE PROPERTY OF THE PROPERTY OF THE PROPERTY OF THE PROPERTY OF THE PROPERTY OF THE PROPERTY OF THE PROPERT	
MSHA's analysis of the five most recent respirable dust samples collected from the working enviro	
average concentration of 5.7 mg/m3. Due to the obvious lack of effort by the operator to control refor the abatement of the original violation will not be further extended. All miners working on this	
corrected.	section must be withdrawn until the condition is
- convoice.	
Designated occupation: continuous miner operator -036 in mechanized mining unit 001-0	
	ee Continuation Form (MSHA Form 7000-3a)
9. Violation A. Health	
Safety B. Section C. Part/Section	n of
Other of Act - Title 30 CF	
Section II Inspector's Evaluation	
10. Gravity:	
A. Injury or Illness (has) (is): No Likelihood Unlikely Reasonably Likely	Highly Likely Occurred
B. Injury or Illness could reasonably be expected to be: No Lost Workdays Lost Workdays or Restricted	Duty Permanently Disabling Fatal
C. Significant and Substantial (See Reverse): Yes No	D. Number of Persons Affected
11. Negligence (check one)	D. Hamber of Forestic America
A. None B. Low C. Moderate D. F	
12. Type of Action	ck one) Order X Safeguard
14. Initial Action D. Written E. Citation/ A. Citation D. Written E. Citation/ Order	F. Dated Mo Da Yr
A. Citation A. State B. Order C. Saleguard Motice Number	2 0 7 1 0 0 2 0 7 0 7 0 1
15. Area or Equipment	
The mechanized mining unit 001-0	
16. Termination Due Mo Da Yr	
A. Date B. Time (24 Hr. Clock)	
Section III Termination Action	
17. Action to Terminate	
18. Terminated Mo Da Yr	
A. Date B. Time (24 Hr Clock)	
Section IV Automated System Data	
19. Type of Inspection 20. Event Number 21. Primary or	Mill
(activity code) E 1 6 5 0 3 2 4 1 0	
22. Signature	23. AR Number
Thomas Morris	0 2 4 2 0
THOMAS MOTO	0 2 4 2 0

MSHA Form 7000-3 Mar 85 (Revised)

U.S. Department of LaborMine Safety and Health Administration

Section I Subsequent	Action/Co	ntinuatio	on Data																			
1. Subsequent Action		1a. Con	tinuation	2. Dated (Original Is	ssue)	м О	7	Da 2		1			on/Order nber		:	2 0	7	1	0 0	3	- C	1
4. Served To				•				5. Op	perator													
John Brown, Su	perinten	dent						,	XYZ (Com	npany											
6. Mine									ine ID													
No. 3											4 4	- 0 1	7 0	2 -		(co	ntrac	tor)				
Section II Justification	for Action																	,				
The operator ha									plan.	Th	erefore,	the order	r is mod	ified to pe	rmit	MSH	IA					
to collect respira	able dus	t samp	oles on MML	J 001-0 to dete	ermine co	omplia	ance.															
-																						
-																						
																Se	e C	ontir	nuatio	n Fo	rm	
Section III Subsequen	t Action Ta	aken	T T .	T																		
8. Extended To	A. Date		Mo Da	Yr B. Tim	e (24 Hr. C	Clock)					c	. Vacated		D. Termina	ited			E. N	/lodifie	d	X	
Section IV Inspection	Data				, ,																	
9. Type of Inspection		E 2	10. Event	Number	5	0 3	2	4	2 0													
					J																	
11. Signature					AF	R Numb	er	_	12. Dat	е	Мо	Da	Yr 1	3. Time (24	Hr. C	lock)						
Thomas Mor	ris				0	2 4	2	0			0	7 2 8	0 1							0	8 (0 0

MSHA Form 7000-3a, Mar 85 (Revised)

104(b) ORDER - MODIFICATION

U.S. Department of LaborMine Safety and Health Administration

1. Subsequent Action 1s. Continuation 2. Date (Crighnal fease) 0 7 2 2 7 0 1 1 2 2 2 0 7 1 0 0 3 3 0 2 4 4 4 - 0 1 1 7 0 0 3 3 0 0 2 4 4 4 - 0 1 1 7 0 0 3 3 0 0 2 4 4 4 - 0 1 1 7 0 0 3 3 0 0 2 4 4 4 - 0 1 1 7 0 0 2 4 4 4 - 0 1 1 7 0 0 2 4 4 4 - 0 1 1 7 0 0 2 4 4 4 - 0 1 1 7 0 0 2 4 4 4 - 0 1 1 7 0 0 2 4 4 4 - 0 1 1 7 0 0 2 4 4 4 - 0 1 1 7 0 0 2 4 4 4 - 0 1 1 7 0 0 2 4 4 4 - 0 1 1 7 0 0 2 4 4 4 - 0 1 1 7 0 0 2 4 4 4 - 0 1 1 7 0 0 2 4 4 4 - 0 1 1 7 0 0 2 4 4 4 - 0 1 1 7 0 0 2 4 4 4 - 0 1 1 7 0 0 2 4 4 4 - 0 1 1 7 0 0 2 4 4 4 - 0 1 1 7 0 0 2 4 4 4 - 0 1 1 7 0 0 2 4 4 4 - 0 1 1 7 0 0 2 4 4 4 - 0 1 1 7 0 0 1 1 7 0 0 2 4 4 4 - 0 1 1 7 0 0 1 1 7 0 0 1 1 7 0 0 1 1 7 0 0 1 1 7 0 0 1 1 7 0 0 1 1 7 0 0 1 1 7 0 0 1 1 7 0 0 1 1 7 0 0 1 1 7 0 0 1 1 7 0 0 1 1 7 0 0 1 1 1 1	Section I Subsequent Action/Continuation Data															
Section Superintendent									ler		2	0	7 1	0 0	3 -	0 2
Section Superintendent	4. Served To		L .	5. Oper	ator	1						1 1	- 1 - 1			
8 Mo. 3 Section 1 - Justification for Action The average concentration of respirable dust in the working environment of the designated occupation was 1.0 mg/m3, which is within the applicable limit of 1.2 mg/m². This finding was based on the results of five valid dust samples collected during an MSHA inspection. Designated occupation: continuous miner operator -036 Location: MMU 001-0 Section II - Strateguer Action Taten Section II - Strateguer Action Taten E. Extended To A. Date B. Time (24 Hr. Clock) Section II - Strateguer Action Taten Section II - Strateguer Action Taten Section II - Strateguer Action Taten Section II - Strateguer Action Taten Section II - Strateguer Action Taten Section II - Strateguer Action Taten Section II - Strateguer Action Taten Section II - Strateguer Action Taten Section II - Strateguer Action Taten Section II - Strateguer Action Taten Section II - Strateguer Action Taten Section II - Strateguer Action Taten Section II - Strateguer Action Taten Section II - Strateguer Action Taten Section II - Strateguer Action Taten Section II - Strateguer Action Taten Section II - Strateguer Action Taten Section II - Strateguer Action Taten Section II - Strateguer Action Taten Section II - Strateguer Action Taten Section II - Strateguer Action Taten Section II - Strateguer Action Taten Section II - Strateguer Action Taten Section II - Strateguer Action Taten Section II - Strateguer Action Taten Section II - Strateguer Action Taten Section II - Strateguer Action Taten Section II - Strateguer Action Taten Section II - Strateguer Action Taten Section II - Strateguer Action Taten Section II - Strateguer Action Taten Section II - Strateguer Action Taten Section II - Strateguer Action Taten Section II - Strateguer Action Taten Section II - Strateguer Action Taten Section II - Strateguer Action Taten Section II - Strateguer Action Taten Section II - Strateguer Action Taten Section II - Strateguer Action Taten Section II - Strateguer Action Taten Section I						nnanv										
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MSHA Form 7000-3a, Mar 85 (Revised)

U.S. Department of LaborMine Safety and Health Administration

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MSHA Form 7000-3a, Mar 85 (Revised)

Mine Citation/Order

U.S. Department of LaborMine Safety and Health Administration

1. Date	Section I Violation Data	
A. Sarved To Number 9 0 7 1 0 0 4		3 Citation/Order
Raiph Burny, Safety Director Bambu Company 7. Mene ID 4, 5 0, 0, 0, 2, 0 8. Written Notice (103g) The Part 90 miner identified in Advisory No. 0012, dated 07/15/01, was exposed to an average respirable dust concentration of 1.4 mg/m². This finding was based on the results of five valid dust samples collected by the operator for inspector). 30 CFR 90.201(d) requires management to take concretive action, and to collect five valid dust samples on the Part 90 miner's work position. These samples must be submitted to the Pittsburgh Respirable Dust Processing Laboratory by the date of termination. See Continuation Form (MSHA Form 7000-3a) 9. Violation IA. Health Office of the Pittsburgh Respirable Dust Processing Laboratory by the date of termination. See Continuation Form (MSHA Form 7000-3a) 9. Violation IA. Health Office of the Pittsburgh Respirable Dust Processing Laboratory by the date of termination. See Continuation Form (MSHA Form 7000-3a) 9. Violation IA. Health Office of the Pittsburgh Respirable Dust Processing Laboratory by the date of termination. See Continuation Form (MSHA Form 7000-3a) 9. Violation IA. Health Office of the Pittsburgh Respirable Dust Processing Laboratory by the date of termination. See Continuation Form (MSHA Form 7000-3a) 9. Violation IA. Health Office of the Pittsburgh Respirable Dust Processing Laboratory by the date of termination. See Continuation Form (MSHA Form 7000-3a) 9. Violation IA. Health Office of The Pittsburgh Respirable Dust Processing Laboratory by the date of termination. See Continuation Form (MSHA Form 7000-3a) Processing IA. Health Office of The Pittsburgh Respirable Dust Processing Laboratory by the date of termination. See Continuation Form (MSHA Form 7000-3a) Processing IA. Health Office of The Pittsburgh Respirable Dust Processing Laboratory by the date of termination. See Continuation Form (MSHA Form 7000-3a) Processing IA. Laboratory IA. Laboratory IA. Laboratory IA. Laboratory IA. Laboratory IA. Laboratory IA. Laboratory IA. Laboratory I		
8. Mine No. 300 8. Condition or Practice 8. Written Notice (103g) 8. Condition or Practice 8. Written Notice (103g) 8. Condition or Practice 8. Written Notice (103g) 7. The Part 90 miner identified in Advisory No. 0012, dated 07/15/01, was exposed to an average respirable dust concentration of 1.4 mg/m² This finding was based on the results of five valid respirable dust samples ollected by the operator [or inspected]. 30 CFR 90.07/01/01 requires management to take corrective action, and to collect five valid respirable dust samples in the Part 90 miner's work position. These samples must be submitted to the Pittsburgh Respirable Dust Processing Laboratory by the date of termination. Section A. Health	4. Served To 5. Operator	
No. 200	Ralph Bunny, Safety Director Bambu Company	
8. Continuation or Practice The Part 90 miner identified in Advisory No. 0012, dated 07/15/01, was exposed to an average respirable dust concentrative of 1.4 mg/m². This finding was based on the results of five valid idust samples collected by the operator for inspected). 30 CFR 90.201/dig requires management to take corrective action, and to collect five valid respirable dust samples in the Part 90 miner's work position. These samples must be submitted to the Pittsburgh Respirable Dust Processing Laboratory by the date of termination. Section 1. Inspector's Evaluation of Act		
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Other		nf
Section II - Inspector's Evaluation 10. Gravity: B. Injury or Illness (has) (is): No Likelihood		
A. Injury or Illness (has) (is): No Likelihood Unlikely Reasonably Likely Highly Likely Occurred B. Injury or Illness could reasonably be expected to be: No Lost Workdays Lost Workdays or Restricted Duty Permanently Disabling X Fatal C. Significant and Substantial (See Reverse): Yes X No D. Number of Persons Affected 0 0 0 1 11. Negligence (check one) A. None B. Low C. Moderate X D. High E. Reckless Disregard 12. Type of Action 0 0 4 - a - 1 13. Type of Issuance (check one) Citation X D. High F. Dated Mo Da Yr 14. Initial Action A. Citation B. Order C. Safeguard Notice E. Citation X Order Number 15. Area or Equipment 16. Termination Due A. Date 0 8 0 5 0 1 B. Time (24 Hr. Clock) Section III Termination Action 17. Action to Terminate 18. Terminated A. Date Mo Da Yr B. Time (24 Hr. Clock) Section IV Automated System Data 19. Type of Inspection Cactivity Code) E 2 6 20. Event Number 5 0 3 2 4 2 4 2 4 Thomas Morris 0 2 4 2 0		
B. Injury or Illness could reasonably be expected to be: No Lost Workdays		
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14. Initial Action	1 0 4 2	
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16. Termination Due	A. Citation B. Order C. Saleguard Notice Order Number	
A. Date	15. Area or Equipment	
A. Date		
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A. Date	16. Termination Due	
Section III Termination Action 17. Action to Terminate 18. Terminated	A. Date B. Time (24	
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	Thomas Morris MSHA Form 7000-3 Mar 85 (Revised)	0 2 4 2 0

Mine Citation/Order

U.S. Department of LaborMine Safety and Health Administration

Section I V	/iolation	Data																						
1. Date	Мо	Da	Yr	2. Tin	ne (24 Hr.	. Clock)											3. Ci	tation/	Order					
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4. Served To)	- 1									5. Op	perato	r											
Ralph Bu	nny, Sa	fety Di	rector								В	ambu	Comp	oany										
6. Mine											7. Mi	ne ID												
No. 300	D												4	5 -	0 0	0	2 0		- 10/-:11	١ ،	tractor			
8. Condition	or Prac	ice																8	a. vvritt	en Notio	ce (10	3g)		
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to take o	orrective	e actio	n, and	to colle	ct five va	lid respir	rable	dust	sam	ples	in the	Part 9	00 min	er's wo										
submitted	to the	Pittsbu	irgh R	espirable	e Dust Pr	ocessing	g Lab	orato	ory by	y the	date	of tern	ninatio	on.										
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B. Injur sona	y or IIIne ably be e				No Lost	Workday	vs	П		Lost	Work	days c	or Res	stricted	Duty	Γ		Perm	anently	Disabl	ing	П	Fatal	
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11. Negligen				ai (See i	Reverse):		Yes		IN	lo						L). Nur	nber o	r Perso	ns Affe	ctea			
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15. Area or															-	1 1							- !	
The Part	90 mine	er iden	tified in	the att	ached Ad	lvisory N	lo. 11																	
16. Terminat	ion Due		D-4-	Мо	Da Y	r .	D T:-	/0																
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22. Signature		•						1 -1										. :	23. AR	Numbe	r			
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MSHA Form			E (Do)	ricod)																			-, '	

Section I Violation Data		
1. Date Mo Da Yr 2. Time (24 Hr. Clock)		3. Citation/Order
	1 2 0 0	Number 9 0 7 1 0 0 6
4. Served To		5. Operator
Ralph Bunny, Safety Director		Bambu Company
6. Mine		7. Mine ID
No. 300		4 5 - 0 0 0 2 0 - (contractor)
8. Condition or Practice		8a. Written Notice (103g)
The operator failed to submit for approval a written respirable d	dust contol p	plan for the Part 90 miner identified in Advisory No. 0012, dated
07/15/01. Citation No. 9071004, based on this Advisory, was is		
-		
		0.00 (1.05 5.040)
O Vising a la Hariff		See Continuation Form (MSHA Form 7000-3a)
9. Violation A. Health B. Section		C. Part/Section of
Other of Act -		Title 30 CFR 9 0 . 3 0 0 - a
Section II Inspector's Evaluation		
10. Gravity: A. Injury or Illness (has) (is): No Likelihood Unlik	ely X	Reasonably Likely Highly Likely Occurred
B. Injury or Illness could rea- sonably be expected to be: No Lost Workdays	Lost	Workdays or Restricted Duty X Permanently Disabling Fatal
C. Significant and Substantial (See Reverse): Yes	No	X D. Number of Persons Affected
11. Negligence (check one)	INO	D. Number of Fersons Affected
	. Moderate	X D. High E. Reckless Disregard
12. Type of Action	13	. Type of Issuance (check one)
1 0 4 - a - , , -	-	Citation X Order Safeguard
14. Initial Action	D. Writte	n E. Citation/ F. Dated Mo Da Yr
A. Citation B. Order C. Safeguard	Notice	e 🗍 Order
15. Area or Equipment		Number
10. Alea of Equipment		
16. Termination Due Mo Da Yr		
A. Date B. Time	`	
Section III Termination Action	Clock)	0 8 0 0
17. Action to Terminate		
18. Terminated A. Date Mo Da Yr B. Time (24 H	r Clock)	
Section IV Automated System Data	1 1 1	
19. Type of Inspection 20. Event Number		21. Primary or Mill
(activity code) E 2 2 5 (0 3 2 4	
22. Signature		23. AR Number
Thomas Morris		0 2 4 2 0
MSHA Form 7000-3 Mar 85 (Revised)		

104(a) CITATION - FAILURE TO SUBMIT RESPIRABLE DUST CONTROL PLAN

Mine Citation/Order

U.S. Department of LaborMine Safety and Health Administration

Section I V	iolation Data												
1. Date	Mo Da	Yr	2. Time (24 Hr. (Clock)					3. Citation	Order (Order		П	
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4. Served To)						5. Operator					-	
John Smi	th, Assistant	Forema	ın					al Company					
6. Mine							7. Mine ID						
No. 1	or Drootice							4 4 - 0 3	5 3 6 -		tractor)		
o. Condition	or Practice								c	a. Written Notic	æ (103g)		L
The highy	wall drill opera	ator was	s not protected fror	n the inhalat	tion o	f respira	ble drill dust	Visual observation	n indicated an	excessive amou	unt of dust		
			rilling. The highwa										
			mg/m3. The drill o										
Dri	ill operator: D	WP 00	1-0, occupational	code 384									
											-		
								See Conti	nuation Form (MSHA Form 70	00-3a)		
9. Violation	A. Health										ГŤ		\vdash
	Safety		B. Section				C. I	Part/Section of					
	Other		of Act	-			-	Title 30 CFR	7	2 . 6 2 0			
	nspector's Ev	aluatio	n										
10. Gravity: A. Injury o	r Illness (has)	(is):	No Likelihood	Un	likely	· 🔲	Reasonal	oly Likely X	Highly Lik	ely	Occurre	ed]
	y or Illness co bly be expect			orkdays	П	Lost	Workdays or	Restricted Duty	Pern	nanently Disabli	ing X	Fatal	
C Signif	ficant and Sul	hetantia	al (See Reverse):	Yes	X	No	1 1		D. Number	of Persons Affe	ctod		0 1
11. Negligen			(See Neverse).	163	^	INO	<u> </u>		D. Number o	or reisons Allei	Jieu		1011
A. None		10)	B. Low		C. M	loderate	X	D. High		E. Reckless	Disregard]
12. Type of A	Action					13	B. Type of Issu	iance (c <u>hec</u> k one)				_	
	1	0 4	- a - ,	-		-	Citation	X	Order	Sa	feguard		
14. Initial Act	ion	<u> </u>			Г	D. Writte	en le	E. Citation/		F. Dated	Мо	Da	Yr
A. Citati		3. Order	C. Safe	guard	1 -	Notice		Order		i . Baioa	"	ا	l ï
15. Area or E	quinment				_			Number				Ш_	
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16. Terminati		Date	Mo Da Yr 	B. Tim	ne (24	1							
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Section III		Action		•				•					
17. Action to	rerminate												
18. Terminate	ed A. Da	te M	lo Da Yr	B. Time (24	Hr C	Clock)							
Section IV	Automated S	ystem I	Data					<u> </u>					
19. Type of li	nspection		20. Event Nu	mber			21.	Primary or Mill					
(activi	ty code)	E 0	1	0	8	8 8 8	0 0						
22. Signature									+ +	23. AR Numbe	r		
James L	ee										2	0 7	7 7
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Appendix D

Miscellaneous Forms and Codes

TABLE OF CONTENTS - MISCELLANEOUS FORMS AND CODES

Special Assessment Review Form	[
Possible Knowing/Willful Violation Review Form	2
Enforcement Activity Codes	3

Special Assessment Review Form

U.S. Department of LaborMine Safety and Health Administration

1. MSHA District Office			2. Field Office	
3. Mine ID/Contractor ID			4. Mine Name	
5. Operator Name			6. Citation/Order Number	6. Citation/Order Issue Date
8. Accident Related Violation?	Yes	No If yes, all viola	tions must be submitted together with any accide	ent report or memorandum
9. A.) Operator Notified of Special Ass	sessment?	Yes No B.)	Health and Safety Conference Held on Special	Assessment? Yes No
10. Inspector's Recommendation:				
Special Assessment?	Yes	No If yes,	explain below the serious or aggravating circums	stances involved.
See Continuation Sheet			Signature	Date
11. Supervisor's Review:				
Special Assessment?	Yes	No		
Comments				
See Continuation Sheet			Signature	Date
	Catalan Maria and	De tra	Signature	Date
12. Subdistrict Manager's/Assistant Di	_	<u> </u>		
Special Assessment?	Yes	No		
Comments				
See Continuation Sheet			Signature	Date
13. District Manager's Review (Manda	tory for Metal/No	onmetal, Optional for Coal):		
Special Assessment?	Yes	No		
Comments				
□				
See Continuation Sheet			Signature	Date

MSHA Form 7000-32, May 92 (This form replaces MSHA forms 2000-203 and 4000-60)

Copy I - Office of Assessments

POSSIBLE KNOWING/WILLFUL VIOLATION REVIEW FORM

U.S. Department of Labor

	Mine Safety and Health Administration
MINE ID MSHA	OFFICE
MINE NAME	
COMPANY NAME	
Citation/Order Number	Date
ACCIDENT INFORMATION	
Was this violation associated with an accident which caused an injury?	Yes No If yes: Fatal? Non-fatal?
REVIEW CRITERIA (Attach supplemental information if needed)	
Did the condition or practice cited create the presence of a high degree of risk to	o the health and safety of miners? Yes No
a) Who was exposed to the hazard? (Name and Occupation)	
b) How were they exposed to the hazard?	
c) When and over what period of time did the exposure occur?	
d) Is this first hand information?	
If not, who provided the information? (Name and Occupation)	
2. Did the operator or agent have actual knowledge, or reason to know, of the fact	s or conditions constituting the violation?
a) Who had this knowledge? (Name and Title)	
b) How was this knowledge evidenced?	
If not, who provided the information? (Name and Occupation)	
3. Any other pertinent information:	
INSPECTORS CONCLUSION:	If ul violation of the Act or mandatory health or eafety standard?
INSPECTORS CONCLUSION: Based on this review, does this appear to be a possible knowing and/or wil	
INSPECTORS CONCLUSION: Based on this review, does this appear to be a possible knowing and/or wil Inspector AR Number: Signature:	Date:
INSPECTORS CONCLUSION: Based on this review, does this appear to be a possible knowing and/or will Inspector AR Number: Supervisor: Do you agree with the inspector's conclusion? Yes Signature: POSSIBLE RECOMMENDED ACTIONS:	Date: Date: Date:
INSPECTORS CONCLUSION: Based on this review, does this appear to be a possible knowing and/or will Inspector AR Number: Supervisor: Do you agree with the inspector's conclusion? Yes Signature: POSSIBLE RECOMMENDED ACTIONS: A. Conduct a special investigation. C.	Date: Date: No further action.
INSPECTORS CONCLUSION: Based on this review, does this appear to be a possible knowing and/or will Inspector AR Number: Supervisor: Do you agree with the inspector's conclusion? Yes Signature: POSSIBLE RECOMMENDED ACTIONS: A. Conduct a special investigation. C. Assistant District Manager: Recommendation (A or Conduct of the conclusion of the conclusion of the conclusion of the conclusion of the conclusion of the conclusion of the conclusion of the conclusion of the conclusion of the conclusion of the conclusion of the conclusion of the conclusion of the conclusion of the conclusion of the conclusion of the conclusion of the conclusion of the conclusion of the conclusion of the conclusion of the conclusion of the conclusion of the conclusion of the conclusion of the conclusion of the conclusion of the conclusion of the conclusion of the conclusion of the conclusion of the conclusion of the conclusion of the conclusion of the conclusion of the conclusion of the conclusion of the conclusion of the conclusion of the conclusion of the conclusion of the conclusion of the conclusion of the conclusion of the conclusion of the conclusion of the conclusion of the conclusion of the conclusion of the conclusion of the conclusion of the conclusion of the conclusion of the conclusion of the conclusion of the conclusion of the conclusion of the conclusion of the conclusion of the conclusion of the conclusion of the conclusion of the conclusion of the conclusion of the conclusion of the conclusion of the conclusion of the conclusion of the conclusion of the conclusion of the conclusion of the conclusion of the conclusion of the conclusion of the conclusion of the conclusion of the conclusion of the conclusion of the conclusion of the conclusion of the conclusion of the conclusion of the conclusion of the conclusion of the conclusion of the conclusion of the conclusion of the conclusion of the conclusion of the conclusion of the conclusion of the conclusion of the conclusion of the conclusion of the conclusion of the co	Date: Date: Date: Date:
INSPECTORS CONCLUSION: Based on this review, does this appear to be a possible knowing and/or will Inspector AR Number: Signature: Supervisor: Do you agree with the inspector's conclusion? Yes Signature: POSSIBLE RECOMMENDED ACTIONS: A. Conduct a special investigation. C. Assistant District Manager: Recommendation Signature:	Date: No Date: Date: Date: Date: Date: Date: Date:
INSPECTORS CONCLUSION: Based on this review, does this appear to be a possible knowing and/or will Inspector AR Number: Supervisor: Do you agree with the inspector's conclusion? Yes Signature: POSSIBLE RECOMMENDED ACTIONS: A. Conduct a special investigation. C. Assistant District Manager: Recommendation Signature: Supervisory Special Investigator: Recommendation: (A or Conception of the possible knowing and/or will be a possible knowing and/or will be a possible knowing and/or will be a possible knowing and/or will be a possible knowing and/or will be a possible knowing and/or will be a possible knowing and/or will be a possible knowing and/or will be a possible knowing and/or will be a possible knowing and/or will be a possible knowing and/or will be a possible knowing and/or will be a possible knowing and/or will be a possible knowing and/or will be a possible knowing and/or will be a possible knowing and/or will be a possible knowing and/or will be a possible knowing and/or will be a possible knowing and/or will be a possible knowing and/or will be a possible knowing and/or will be a possible knowing and/or will be a possible knowing and/or will be a possible knowing and/or will be a possible knowing and/or will be a possible knowing and/or will be a possible knowing and/or will be a possible knowing and/or will be a possible knowing and/or will be a possible knowing and/or will be a possible knowing and/or will be a possible knowing and/or will be a possible knowing and/or will be a possible knowing and/or will be a possible knowing and/or will be a possible knowing and/or will be a possible knowing and/or will be a possible knowing and/or will be a possible knowing and/or will be a possible knowing and a possible knowing and a possible knowing and a possible knowing and a possible knowing and a possible knowing and a possible knowing and a possible knowing and a possible knowing and a possible knowing and a possible knowing and a possible knowing and a possible knowing and a possible knowing and a	Date: No Date: No further action. From the list above) Date: or C from the list above)
INSPECTORS CONCLUSION: Based on this review, does this appear to be a possible knowing and/or will Inspector AR Number: Supervisor: Do you agree with the inspector's conclusion? Yes Signature: POSSIBLE RECOMMENDED ACTIONS: A. Conduct a special investigation. C. Assistant District Manager: Recommendation Signature: Supervisory Special Investigator: Recommendation: (A or Conduct a special investigator: Recommendation: Signature:	Date: Date: Date: Date: Or C from the list above) Date: Date:
INSPECTORS CONCLUSION: Based on this review, does this appear to be a possible knowing and/or will Inspector AR Number:	Date: No further action. From the list above) Date: Date: Date: Date: Date:
INSPECTORS CONCLUSION: Based on this review, does this appear to be a possible knowing and/or will Inspector AR Number: Signature: Supervisor: Do you agree with the inspector's conclusion? Yes Signature: POSSIBLE RECOMMENDED ACTIONS: A. Conduct a special investigation. C. Assistant District Manager: Recommendation Signature: Supervisory Special Investigator: Recommendation: (A or Conducts and Conducts and Conducts and Conducts and Conducts and Conducts and Conducts and Conducts and Conducts and Conducts and Conducts and Conducts and Conducts and Conducts and Conducts and Conducts and Conducts and Conducts and Conducts and Conducts and Conducts and Conducts and Conducts and Conducts and Conducts and Conducts and Conducts and Conducts and Conducts and Conducts and Conducts and Conducts and Conducts and Conducts and Conducts and Conducts and Conducts and Conducts and Conducts and Conducts and Conducts and Conducts and Conducts and Conducts and Conducts and Conducts and Conducts and Conducts and Conducts and Conducts and Conducts and Conducts and Conducts and Conducts and Conducts and Conducts and Conducts and Conducts and Conducts and Conducts and Conducts and Conducts and Conducts and Conducts and Conducts and Conducts and Conducts and Conducts and Conducts and Conducts and Conducts and Conducts and Conducts and Conducts and Conducts and Conducts and Conducts and Conducts and Conducts and Conducts and Conducts and Conducts and Conducts and Conducts and Conducts and Conducts and Conducts and Conducts and Conducts and Conducts and Conducts and Conducts and Conducts and Conducts and Conducts and Conducts and Conducts and Conducts and Conducts and Conducts and Conducts and Conducts and Conducts and Conducts and Conducts and Conducts and Conducts and Conducts and Conducts and Conducts and Conducts and Conducts and Conducts and Conducts and Conducts and Conducts and Conducts and Conducts and Conducts and Conducts and Conducts and Conducts and Conducts and Conducts and Conducts and Conducts and Conducts and C	Date: Date: Date: Date: Or C from the list above) Date: Date:
INSPECTORS CONCLUSION: Based on this review, does this appear to be a possible knowing and/or will Inspector AR Number: Signature: Supervisor: Do you agree with the inspector's conclusion? Yes Signature: POSSIBLE RECOMMENDED ACTIONS: A. Conduct a special investigation. C. Assistant District Manager: Recommendation Signature: Supervisory Special Investigator: Recommendation: Signature: District Manager: Action Decision: (A or C from the list at Signature:	Date: No further action. From the list above) Date: Date: Date: Date: Date:
INSPECTORS CONCLUSION: Based on this review, does this appear to be a possible knowing and/or will Inspector AR Number: Signature: Supervisor: Do you agree with the inspector's conclusion? Yes Signature: POSSIBLE RECOMMENDED ACTIONS: A. Conduct a special investigation. C. Assistant District Manager: Recommendation Signature: Supervisory Special Investigator: Recommendation: Signature: District Manager: Action Decision: (A or C from the list at Signature:	Date: No further action. From the list above) Date: Date: Date: Date: Date:
INSPECTORS CONCLUSION: Based on this review, does this appear to be a possible knowing and/or will Inspector AR Number: Supervisor: Do you agree with the inspector's conclusion? Yes Signature: POSSIBLE RECOMMENDED ACTIONS: A. Conduct a special investigation. C. Assistant District Manager: Recommendation (A or C Signature: Supervisory Special Investigator: Recommendation: Signature: District Manager: Action Decision: Signature: District Manager: Action Decision: Signature: ADDITIONAL COMMENTS OR REMARKS	Date: No further action. From the list above) Date: Date: Date: Date: Date:

MSHA Form 7000-20, June 97 (revised) WHITE: SPECIAL INVESTIGATOR

Enforcement Activity Codes

MSIS Code	Activity	Description
E01	Regular Safety and Health Inspection	Mandatory Safety and Health Inspections of a mine, surface facility, or other entity having a mine I.D. number in its entirety.
E02	103(i) Spot Inspections	Mandatory spot inspections of mines that qualify under 103(i) of the Act and are inspected for gases liberation, serious ignition or explosions hazards, or other especially hazardous conditions or problems.
E03	103(g) Written Notification Hazard Complaint Inspection	Special inspections that respond to a written notice filed pursuant to 103(g) of the Act alleging a violation or imminent danger exists at a mine.
E04	Verbal Hazard Complaint Inspections	Special inspections that result from a verbal or otherwise written complaint where a violation or hazardous condition is alleged and is not a 103(g) request or a code-a-phone complaint.
E05	108 Injunctive Actions or Other SI Activities	All investigative activities conducted pursuant to 108 of the Act regarding injunctions or any other Special Investigation activities.
E06	Fatal Accident Investigation	Investigation of a death of an individual at a mine.
E07	Non-Fatal Accident Investigation	Investigation of a serious non-fatal injury accident at a mine.
E08	Non-Injury Accident Investigation	Investigation of non-injury accidents as defined in 30 CFR, Part 50.2
E09	Mine Emergency Operations	Includes all rescue and recovery operations during a mine emergency. No citations or orders should be issued against this type of activity. Also, includes time monitoring the mine environment during mine fires determined to be mine emergencies.
E10	Petition for Modification Investigation	All investigative activities conducted pursuant to 101 (c) and 101 (d) of the Act.
E11	105(c) Investigation (Discrimination)	All investigative activities conducted pursuant to 105 (c) of the Act where a complaint of discrimination is alleged.
E12	110(c), 110(d) Investigation (Willful or Knowing Violations)	All investigative activities conducted pursuant to 110 of the Act regarding citations and orders where there is possible knowing and willful intent.

September 2005 3 Appendix D

MSIS Code	Activity	Description			
E13 (Coal Only)	Re-opening Inspection	This is a non-penalty inspection of an entire mine after having been abandoned or declared inactive. This code is restricted to Coal Mine program area use only.			
E14 (Metal Only)	Compliance Assistance Visit	A visit to a new mine, a visit prior to re-opening a mine, a visit to inspect new facilities at an operating mine, or the installation of new equipment at an operating mine to point out potential violations without monetary civil penalties being proposed.			
E15	Compliance Follow- up Inspection	An inspection conducted for the primary purpose of ascertaining the abatement status of previously cited violations.			
E16	Spot Inspection	The inspection of a mine or part(s) of a mine to determine whether there is compliance with safety and health standards			
E17	Special Emphasis Programs	Activity for a specialized purpose that may be unique for the agency, coal or metal. An example would be the "Focus on Safe Work" outreach. Each activity may be assigned a unique identifier.			
E18	Shaft, Slope or Major Construction Spot Inspection	An inspection of a shaft, slope, or major construction site to determine whether an imminent danger exists and whether there is compliance with safety and health standards or any issued violations.			
E19	Electrical Technical Investigation	An investigation of all or part of a mine's electrical components and systems. Includes field changes on electrical face equipment, trolley surveys, circuit breaker studies, ground monitor checks and other special electrical inspections/investigations.			
E20	Roof Control Technical Investigation	An investigation of a mine's roof conditions that may incluengineering and in-depth studies of roof problems or potential problems, roof control surveys, and pull tests.			
E21	Ventilation Technical Investigation	An investigation of a mine's ventilation system that may include detailed engineering studies of current or potential problems, surveys, and waiver requests.			
E22	Health Technical Investigation	Includes a toxic substance or harmful physical agent investigation of a reported problem or potential problem with any toxic substance or harmful physical agent. An investigation of an operator's sampling program where samples may or may not be collected and investigations of Part 90 miners and their occupations (Coal). Includes free silica technical investigations dictating additional respirable dust samples for further analysis.			

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MSIS Code	Activity	Description			
E23	Impoundment Spot Inspection	An inspection of an impoundment of determine whether an imminent danger exists and whether there is compliance wi approved plans and safety and health standards.			
E24	Other Technical Compliance Investigations	Other technical investigations not described by any other code.			
E25	Part 50 Audit	Part 50 Audit of a mine's accident, injury, illness, and employment records. Includes all activity in pursuit of the audit.			
E26	Other Contacts	Includes industry assistance, technical assistance visits for plan evaluations, and other contacts not classified by one of the other codes. Although this is a visit to a mine, these are <i>not</i> mine inspections or investigations.			
E27	Attempted Inspection (Denial of Entry)	A mine visit specifically for the purpose of conducting an enforcement activity, but the activity could not be accomplished because of direct or indirect denial of entry.			
E28	Mine Idle Activity	A mine visit specifically for the purpose of conducting an enforcement activity, but the activity could not be accomplished because the mine was not operating.			
E29	Program in Accident Reduction/Complian ce Analysis Program	high accident and injury levels. This includes accident			
E30	Accident Reduction Program	All activities in the field related to the accident reduction and prevention programs, and formal walk and talk activities. These are activities not conducted as part of any other event.			
E31	Training Plan Approval and Revisions (Field)	All field activities regarding the initial approval or revision of training plans.			
E32	On-site Training Program Evaluation (Field)	All field activities related to evaluating MSHA approved instructors, training plans, course content, task outline, 500 23 forms, records of certified and qualified persons, learning environment, etc., not conducted as part of another event.			
E33	Non-Chargeable Accident Investigation	Investigation of any death, serious non-fatal injury, or non injury accident at a mine that is not charged to the mine, contractor, or the mining industry. NOTE: If the accident subsequently deemed chargeable, the activity may be changed to another event type. Issuances can be issued during an E33 event.			

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MSIS Code	Activity	Description			
T01	Investigative Case Review	Time spent in an MSHA office reviewing reports of investigations.			
T02 (Coal only)	Office Generated Violation Activity	All time associated with office generated violations not coded under another code.			
Т03	Legal Hearing/Document	Time involved in legal hearings, MSHA hearings, or testifying in court, including the prep time for these activities unless covered by another activity code. Does not include time spent by the CLRs.			
Т04	Safety and Health Conference	All time spent on operator / miners' representative requested conferences related to cited violations of the Act or regulations and the subsequent assessment of civil penalties. These are not inspectors' closeout conferences.			
T05	Contested Case Activities	All CLR activities (office, mine site, hearings, etc.) relating to ACRI case resolutions.			
T06	Plan Approvals and Reviews	Time spent in an MSHA office reviewing and approving plans			
Т07	Technical Assistance to Industry/Union Personnel or Interested Parties	All time associated with providing technical assistance to company or union personnel or other interested parties. This includes groups requiring our technical expertise but that are not specifically under MSHA jurisdiction.			
T08	Instructor Approval	All activities, other than training instructors, required to produce approved instructors.			
T09	Evaluating Cooperative Instructors	All time evaluating cooperative instructors in the office or field.			
T10	Qualification and Certification	All activities related to qualifying and certifying people. Includes noise, dust, methane, oxygen deficiency, impoundments, electrical, mine rescue and first aid instructors, and so forth.			
T11	Holmes Safety Association (Assistance to Chapters/Councils)	All activities of HSA chapters. Include all time spent in forming and operating HSA chapters or councils, preparing for and making presentations at meetings, and time involvi Joseph A. Holmes Awards.			
T12	State Grants Assistance and State Plans	Includes time spent attending State Grants meetings, as wel as meetings with state and headquarters personnel regarding State Grant assistance and plans.			

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MSIS Code	Activity	Description			
T13	Other Education and Training Field Activities	Includes work on accident reduction and prevention programs that are not mine specific, as well as other activities providing assistance to the mining community that are not coded as an education and training event or that are not covered by another activity code. These activities are at locations other than the MSHA office.			
T14	Informational Meetings, Seminars, and Training Classes Given to Industry	All activities relating to training, demonstrations, meetings, seminars, conferences, association meetings and informational meetings for industry (off-site meetings, excluding Holmes Safety).			
T15	Instructing Mine Rescue and First Aid (non-MSHA)	All activities, excluding mine-rescue and first-aid-instructo training, related to mine rescue and first aid training, including team training, judges training, and so forth.			
T16	Supervisory Duties (Office)	All supervisory-related duties in an MSHA Office.			
T17	National Committee Meetings and Assignments	Includes time spent attending committee meetings at the national level and assignments from headquarters, such as the development or revision of standards and /or regulations.			
T18	Review of Documents/ Laboratory Duties / Vehicle Maintenance	Time spent reviewing such documents as regulations, policy accident investigations, conducting laboratory duties (not associated with an event), and vehicle maintenance.			
T19	Official Union Duties	Personnel participating in official union duties.			
T20	Staff Meetings	Personnel participating in staff or safety meetings in or outside MSHA offices.			
T21	Instructing MSHA Personnel in Training Classes	Time of MSHA personnel instructing classes, in information meetings, seminars, and so forth.			
T22	Informational Meetings, Seminars and Training Classes Received	Personnel receiving training other than Mine Rescue and First Aid from both MSHA and outside sources.			
T23	Mine Rescue/MERD Activities	Includes time spent training and preparing for or participating in the National or regional contests. Also includes time spent preparing for or participating in MERD exercises.			
T24	FOIA Request/Congression al Inquiries	Includes all time spent researching and responding to the request.			

MSIS Code	Activity	Description			
T25	Medical Accommodation On- the-Job Injury	Include all time charged by the individuals who were injure or incapacitated on the job and who are performing meaningful work for MSHA in a capacity that meets their physician's prescribed limitations or restrictions. These assignments must be of limited duration.			
T26	Medical Accommodation— Personal Injury	Include all time charged by the individuals who were injured or incapacitated outside of Government time and who are performing meaningful work for MSHA in a capacity that meets their physician's prescribed limitations or restrictions. These assignments must be of limited duration.			
T27	Special and Miscellaneous Assignments	Duties of a temporary nature outside of regularly assigned job-related duties and any other activity not covered by oth codes.			
T28	Annual Leave	Self explanatory			
T29	Administrative Leave	Self explanatory			
T30	Compensatory Leave	Self explanatory			
T31	Holiday	Self explanatory			
T32	LWOP	Leave Without Pay			
T33	AWOL	Absent Without Leave			
T34	Military Leave	Self explanatory			
T35	Sick Leave	Self explanatory			
T36	OWCP	Worker's Compensation			
T37	Jury Duty	Self explanatory			
T38	Furlough (non-pay status)	Self explanatory			
T39	Suspension Without Pay	Self explanatory			

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New Enforcement Task Codes

Task Code	Task Title		
Code			
I	General Inspection Activity		
S	Supervisory Duties (Field)		
T	Inspector T rainee		
R	Roof Control (on-site and plans)(Specialists only)		
\mathbf{V}	Ventilation (on-site and plans)(Specialists only)		
Н	H ealth (on-site and plans)(Specialists only)		
W	Impoundments / Waste Piles (on-site and plans)(Specialists only)		
E	Electrical (on-site)		
L	HauLage Technical (special activities; does not include routine checks)		
C	Self-Contained Self-Rescuers Evaluation (Field)		
U	EdUcation and Training (including walk & talk activities)		
A	Compliance Assistance		
D	Respirable D ust Sampling		
N	Noise Sampling		
Y	Industrial HYgiene		
	Diesel EMissions Work (does not include routine gas checks and ventilations		
M	checks)		
Z	Ha Z ard Communication		